

Memorandum



Development Services

DATE: July 8, 2003

TO: Whom it may concern

FROM: Fred Brittingham, AICP

SUBJECT: **Executive Summary for Code Rewrite**

HISTORY:

Since early 2001, city staff, a consultant, (OTAK) and a Citizen's Advisory Committee (CAC) have been working to prepare a draft of a new Zoning and Development Code (currently known as the zoning ordinance). These codes establish the standards for buildings and their uses within a community. For example, codes define how tall and how close a building may be to an adjacent building or the street. They also determine what uses a building may contain. Commercial, residential, office and industrial uses are all defined and regulated in the code. Codes also contain standards for signs, landscaping and parking.

The current code was enacted in 1976 and was designed to accommodate typical suburban growth. Today, the City of Tempe has very little vacant land left for development. Future growth in the community will occur through revitalization and reinvestment in the existing supply of buildings, both residential and non-residential. Redevelopment of under utilized land and buildings will also occur. Tempe's existing code is not designed to accommodate such growth and it is time to update the regulations.

The new draft preliminary code was created with input from many people through focus groups, interviews, presentations and case studies. The CAC was comprised of Tempe citizens, design professionals, landowners and developers to serve as a sounding board for ideas and issues identified in the initial research on development of the code. The CAC also provided input and suggestions on the formation of the proposed code. To date over 300 people have been involved in creating the Draft Preliminary Zoning and Development Code.

EXECUTIVE SUMMARY OF PROPOSED CODE:

The following list is not intended to be a complete list of every proposed change in the draft code. It is a list of what has been identified as *potentially* significant changes in the proposed code. The Executive Summary was developed through our work with the Citizens Advisory Committee, public, staff and consultants. We intend to update the list as the document goes through the public outreach and public hearings. The outreach schedule is provided at the end of the Executive Summary. Please keep in mind that *everything in the document is a proposed change*:

- The document has been reformatted. It should be easier to follow how a project would be processed, what applications are required and what hearings are necessary. We have included charts that detail what uses are allowed by zoning district, regulatory standards and processing options.

- Expand the authority of the Planning and Zoning Commission to give them approval authority for certain projects. This could expedite processing. Their decisions would be appealed to the Council thus retaining citizens' ability to have multiple hearings if they are concerned about a project.
- Expand the authority of the Hearing Officer (HO). Currently, any case scheduled for the HO that receives protest must be forwarded to the Board of Adjustment for resolution. Under the new ordinance, the HO could hear and decide the case and any one aggrieved by the decision could appeal to the Board of Adjustment. This could also expedite cases and still preserve the public's right to influence decisions. Given the expanded authority of the HO, planning staff will still process the cases but the City Attorney or her/his designee will serve as the HO.
- Expand the Design Review staff's authority to approve expansions and modifications to existing buildings. Currently they can approve up to 1,000 square foot expansions. We are proposing that they can approve up to 5,000 square foot expansions. The Design Review Board supports this concept.
- The Redevelopment Review Commission (RRC) has been created under our current ordinance and will be carried over to the new ordinance.
- We are consolidating the CCR, C-1 and C-2 zoning districts into one district, Commercial Shopping and Services (CSS). This new district will blend the allowed uses and the standards in each. Of special note is that the C-2 district currently doesn't allow any uses w/o a use permit. Now they will have a list of allowed uses that are compatible with the other commercial districts. The CSS will help level the playing field for owners of land with the existing zonings and make them more competitive with other cities.
- The proposed code would rename the Industrial Buffer District to Office Buffer District (OBD). It would more accurately reflect its intended purpose but would retain its currently allowed uses and standards. It would also rename the I-1 Light Industrial and I-2 General Industrial Districts and consolidate them into one district, the Light Industrial District (LID). These districts allow the same uses today but have slightly different standards. We would utilize the development standards in the current I-2 zoning to create standards that would allow more flexibility in developing these sites. It also renames the I-3 Heavy Industrial District to Heavy Industrial District (HID) but retains its current uses and standards.
- We are also proposing that most shopping centers can add residential to their mix of uses. This would require a use permit with appropriate public hearings. We believe this can help revitalize some of our aging centers and create a stronger economic base.
- The R-5 zoning district has been created. This is a higher density multi-family district, 30 units to the acre, than we have available today. Any project that would want the R-5 district would need to go through the appropriate public hearing process.
- There is an additional Mixed Use (MU) zoning category to fill the gap between MU-2 and MG. The MG is renamed MU-4 and the new category is the MU-3. Also, we are eliminating an additional processing step for the MG/MU-4 category that is currently required.
- Staff and the consultant have delayed the Pedestrian Overlay District (POD) to allow us the opportunity to continue discussions with citizens, property owners and developers about the

proposed standards in the POD. We anticipate the POD will be completed shortly after the code and can be added to it as an amendment.

- The document proposes to modify some of the setbacks in several districts. This was done for two reasons. One was to reflect where we have routinely granted variances to our standards in the past and in effect created a new standard. Second, was to allow more creative site designs for commercial properties that will develop or redevelop in the future.
- Created the Accessory Dwelling Unit (ADU). These would be allowed in multi-family zoned areas where there is an existing house. Subject to a use permit the owner could add the ADU. The ADU doesn't count toward density but is limited in size. The idea is to try this concept in these areas and then we can expand it to other zoning districts if it works.
- We have created a new definition of family that does two things. First, it recognizes our current interpretation that a "family" can have up to two other people living or renting rooms in the house. Second it will include "domestic partners" in the definition of family. This would make the code consistent with city personnel rules and regulations. We may have a modified definition of domestic partners than the personnel rules and regulations but it would only be different so we could enforce the standard and limit the potential for circumvention of the code.
- Revised the standards for Home Occupations. It would now allow one employee from outside the family. It still has all the other restrictions in the current code.
- Created a definition and standards for Live Work. This would be allowed in most zoning districts *except Industrial and Single Family*. Some districts would allow it by right. Others would require a use permit. It differs from a Home Occupation in that it allows two full time equivalent employees.
- Require an applicant to hold a Neighborhood Meeting *prior* to their public hearing to share information with and gather input from the neighbors. This applies to many applications but not all. Currently, staff strongly encourages applicants to meet with neighbors before they file or early in the process, but it is not a specific ordinance requirement. The proposed code formalizes that process. It requires the applicant to notify the neighbors, post a sign on the property regarding the meeting, host and prepare a summary of the meeting. Many neighbors favor it but some think it doesn't go far enough. Some developers have expressed concern that it could slow down processing of applications. We are working to allay the above concerns.
- We are retiring the Multi-Family Quality Study (QS). Its time and need seem to have passed. The QS was created to help solve an issue from 20 years ago when apartment developers were proposing projects that, while attractive, did not create a quality living environment for the tenants. Today we find that a quality living environment is provided as a competitive marketing issue. However, we have incorporated two of the standards from the QS into the new code and that has not created any concerns from the developers to date.

- The code contains parking maximums. The idea is to preclude excessive asphalt when possible especially when it isn't used in most instances. To address some concerns from developers we won't apply it until build out in multi- phase projects and it only applies to surface parking. Parking in structures and below ground is exempt.
- Deleted the requirement that shared parking (parking by demand) needs a use permit. This constraint doesn't appear to be necessary given the track record for parking by demand. Also made some small revisions to parking calculations.
- There has been a request to make lot assemblage re-plats a public hearing. To date we have not included this in the code. We believe that the assemblage is a change in lot configuration not a land use issue and thus shouldn't qualify for a public hearing. Supporters of the concept see it as a way to have a voice in redevelopment of small lots in their neighborhoods.
- Made changes to the Southwest Overlay District (SWOD). The SWOD was created when we first experienced development in that area. It was intended to create higher quality development there as it was the last large area available for development. We also used the SWOD to *protect* the Autoplex when dealers expressed a desire to locate outside its boundaries. Since the inception of the SWOD, the standards throughout the city are more uniform and consistent and the Autoplex is almost built out. Therefore, we don't see the need for the same regulations and have eliminated most of the restrictions in the SWOD. However, we are keeping the 25' height increase that all properties in the SWOD enjoy.
- Revised the ASU commute area standards and changed its name to the Bicycle Commute Area. This overlay currently requires additional bike parking for all projects near ASU and also reduces the number of RV spaces required for apartments in this area. Bike parking requirements have been adjusted throughout the city but we still need to recognize the bike traffic in and around downtown and ASU. We are proposing to keep some higher requirements in this area of town. RV parking has been deleted for all apartments throughout the city.
- The document includes a hierarchy for allowing access to public streets. It should limit the number of driveways and thus help with pedestrian design and the rail line.
- We will establish in our current ordinance and carry over to the new code that Code Compliance can use either civil or criminal complaint process to allow flexibility in gaining compliance.
- There have been requests to allow chickens and small animals as pets in single family districts. The current proposal would allow the keeping of up to 5 rabbits and similar small animals or chickens but no roosters or peafowl.
- Crime Prevention Through Environmental Design (CPTED). These city standards are no longer a Police function and have been transferred to Development Services. We have taken the CPTED standards and relocated them to the appropriate sections in the code. We have also modified several of these standards to reflect what has been approved in the past and has thus established new standards.

- The code includes a *suggested* process for Specific Area Plans (SAP). Before any formal planning would be done, a public meeting with all the private property owners in the area would be required to discuss whether a SAP is what the community wants. The SAP area would be at least 100 acres, which can include streets, alleys, parks etc. Either at the meeting or before beginning the planning work, at least 33% of the *private property owners* in the proposed SAP area would sign a letter indicating that they support the idea of a SAP. The plan would be created and needs at least one public meeting with affected citizens in the area prior to the formal public hearing process. A SAP is considered a major amendment to the General Plan therefore it requires at least two public hearings before the appropriate commission. It also requires at least two public hearings before the City Council. The final Council hearing will be scheduled with all other General Plan major amendments at one hearing held in the month of October, at a date determined by the City Council. A SAP is a policy document. Should the planning group wish to have *regulations specific to the SAP area*, they can request an Overlay District be created to implement the SAP. The Overlay can be processed simultaneously with the SAP or after it.
- Changes to the sign standards are also in the proposed code:
 1. Allow Centers to have multi-tenant signs by right. Maximum of 4 tenants.
 2. Increase the size for menu boards from 20 square feet to 45 square feet.
 3. Centers will be allowed an additional free-standing sign when their street frontage is longer than 600'. More signs allowed for every 300' after that.
 4. Freeway oriented signs: A) Allow buildings that are within 300' of a freeway to have additional building mounted signs oriented to the freeway. This would allow the business to have sign area of 2 square feet for every 1 foot of building frontage facing the freeway *in addition to their other business signs*.
 B) Allow a free-standing sign for centers that are adjacent to freeways. Signs could be 35' high and 120 square feet in area and must be located w/in 300' of the freeway. Note: Any freestanding signs within 600 feet of the freeway right of way may require approval from ADOT in addition to city approval.
 5. Height of building mounted signs is now the same as the building. It is not limited to the height of the district.
 6. Allow portable signs and outdoor displays in the CC (downtown district) for first and second floor businesses subject to certain limitations. Note: We will begin using these standards for portable signs in the downtown now to see if this approach will work or create visual clutter.
 7. Allow Grand Opening signage for 30 days with the possibility for a 30 day extension if permanent signage has not been installed.
 8. Allow Significant Event signage once per year for 7 consecutive days.

PROCESSING SCHEDULE FOR PROPOSED CODE:

Staff will be available to attend neighborhood, civic, faith, or professional group meetings and discuss the proposed code. Please contact Fred Brittingham at 480-350-8437 to schedule a meeting. Open houses are scheduled for the following dates and locations:

Monday September 8, 6:30-8:30pm

Kyrene Middle School, 1050 E. Carver Rd., Multi Purpose Room

Tuesday September 9, 6:30-8:30pm

Laird School, 1500 N. Scovel St., Cafeteria

Wednesday September 10, 6:30-8:30pm

Tempe Library, 3500 S. Rural Rd., Program Room

The public hearing process with the Planning Commission and city Council will commence after the open houses. Please check the web site, www.tempe.gov/rewrite or call the number listed above (after September 10) for specific times and locations of the public hearings. It is anticipated that the new code will be considered by the Council in early 2004.

As noted above, we will continue to evolve this summary and include it in any correspondence about the new code.

Sincerely;

Fred Brittingham, AICP

ZONING AND DEVELOPMENT CODE



**PRELIMINARY DRAFT
JUNE 2003**

Prepared by



In Association with
Gallagher and Kennedy

TABLE OF CONTENTS

PART 1 – INTRODUCTION

Chapter 1 – Organization

page 1-1

Section 1-101	Title.
Section 1-102	Purpose and Scope.
Section 1-103	How to Use the Zoning and Development Code.

Chapter 2 – General Provisions

page 1-3

Section 1-201	Violations and Penalties.
Section 1-202	Repeal, Saving Clause and Application.
Section 1-203	Compliance and Scope.
Section 1-204	Consistency with General Plan.
Section 1-205	Use of Real Property.
Section 1-206	Pre-Existing Approvals (Grandfathered Approval).
Section 1-207	Building Permit and Certificate of Occupancy.
Section 1-208	Official Action.
Section 1-209	Fractions Measurement.

Chapter 3 – Officers, Boards and Commissions

page 1-7

Section 1-301	Purpose.
Section 1-302	Zoning Administrator.
Section 1-303	Hearing Officer.
Section 1-304	Board of Adjustment.
Section 1-305	Planning and Zoning Commission.
Section 1-306	Redevelopment Review Commission.
Section 1-307	Design Review Board.
Section 1-308	City Council.

PART 2 – ESTABLISH ZONING DISTRICTS

Chapter 1 – Zoning Districts

page 2-1

Section 2-101	Purpose.
Section 2-102	Residential Districts.
Section 2-103	Commercial and Mixed-Use Districts.
Section 2-104	Office/Industrial Districts.
Section 2-105	Overlay Districts.
Section 2-106	Location and Boundaries of Districts.

PART 3 – LAND USE

Chapter 1 – Uses Permitted in Residential Districts ***page 3-1***

- Section 3-101 Purpose and Applicability.
 Section 3-102 Permitted Uses in Residential Districts.

Chapter 2 – Uses Permitted in Commercial and Mixed-Use Districts ***page 3-4***

- Section 3-201 Purpose and Applicability.
 Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts.

Chapter 3 – Uses Permitted in Office/Industrial Districts ***page 3-11***

- Section 3-301 Purpose and Applicability.
 Section 3-302 Permitted Uses in Office/Industrial Districts.

Chapter 4 – Special Use Standards ***page 3-14***

- Section 3-401 Accessory Buildings, Uses and Structures.
 Section 3-402 Accessory Dwellings.
 Section 3-403 Adult-Oriented Businesses.
 Section 3-404 Agricultural Uses.
 Section 3-405 Bed and Breakfast.
 Section 3-406 Boutique.
 Section 3-407 Day Care, In Home 7-10 Children.
 Section 3-408 Drive-Through Facilities.
 Section 3-409 Group Homes for Adult Care, Disabled, and Child Shelter.
 Section 3-410 Guest Room.
 Section 3-411 Guest Quarters.
 Section 3-412 Home Occupation.
 Section 3-413 Hospitals, Sanitariums, Nursing Homes.
 Section 3-414 Live-Work.
 Section 3-415 Mini-Warehouse.
 Section 3-416 Mobile Homes.
 Section 3-417 Outdoor Retailing, Relating to Special Sporting Events.
 Section 3-418 Outdoor Retail Display.
 Section 3-419 Residential Sales Office, Temporary.
 Section 3-420 Single-Family Residential Second Story Addition or Rebuild.
 Section 3-421 Wireless Telecommunication Facilities.

Chapter 5 – Non-Conforming Situations **page 3-31**

Section 3-501	Purpose.
Section 3-502	General Provisions.
Section 3-503	Legal Non-Conforming Development.
Section 3-504	Legal Non-Conforming Use.
Section 3-505	Discontinuance of a Legal Non-Conforming Use.
Section 3-506	Damage to a Legal Non-Conforming Development.
Section 3-507	Legal Non-Conforming Lots of Record.

PART 4 – DEVELOPMENT STANDARDS

Chapter 1 – Development Standards Administration **page 4-1**

Section 4-101	Purpose and Applicability.
Section 4-102	General Regulations and Approval Criteria.
Section 4-103	Reference to Other Design Guidelines and Standards.

Chapter 2 – General Development Standards **page 4-4**

Section 4-201	Purpose and Applicability.
Section 4-202	Development Standards for Residential Districts.
Section 4-203	Development Standards for Commercial and Mixed-Use Districts.
Section 4-204	Development Standards for Office/Industrial Districts.
Section 4-205	Exceptions.

Chapter 3 – Public Infrastructure **page 4-10**

Section 4-301	Purpose and Applicability.
Section 4-302	General Requirements for Public Improvements.
Section 4-303	Transportation Improvements.
Section 4-304	Sanitary Sewer, Storm Drainage, and Water System Improvements.
Section 4-305	Private Utilities Coordination.

Chapter 4 – Building Design **page 4-15**

Section 4-401	Purpose and Applicability.
Section 4-402	Public Safety Radio Amplification System.
Section 4-403	Building Identification.
Section 4-404	Building Height Step-Back.
Section 4-405	Mechanical Equipment.
Section 4-406	Employee Service Entrances and Exits.
Section 4-407	Art in Private Development.

Chapter 5 – Access and Circulation ***page 4-18***

- Section 4-501 Purpose and Applicability.
- Section 4-502 Motor Vehicle Access and Circulation Standards.
- Section 4-503 Pedestrian and Bicycle Access and Circulation Standards.

Chapter 6 – Parking ***page 4-27***

- Section 4-601 Purpose and Applicability.
- Section 4-602 General Parking Standards.
- Section 4-603 Parking Ratios.
- Section 4-604 Shared Parking.
- Section 4-605 Parking Affidavit.
- Section 4-606 Parking Area Dimensions.

Chapter 7 – Landscape & Walls ***page 4-37***

- Section 4-701 Purpose and Applicability.
- Section 4-702 General Landscape Standards.
- Section 4-703 Street Frontage Landscape Standards.
- Section 4-704 Parking Facility Landscape Standards.
- Section 4-705 Pedestrian Amenities.
- Section 4-706 Screens, Walls, and Access Control Landscapes.

Chapter 8 – Lighting ***page 4-46***

- Section 4-801 Purpose and Applicability.
- Section 4-802 Photometry Plan.
- Section 4-803 Lighting Standards.
- Section 4-804 Prohibited Lighting.
- Section 4-805 Exemptions.

Chapter 9 – Signs ***page 4-52***

- Section 4-901 Purpose and Applicability.
- Section 4-902 General Sign Standards.
- Section 4-903 Permitted Signs.
- Section 4-904 Sign Permits, Fees and Procedures.

PART 5 – OVERLAY ZONE DISTRICTS

Chapter 1 – Rio Salado Overlay District ***page 5-1***

- Section 5-101 Purpose.
- Section 5-102 General Regulations.
- Section 5-103 Additional Information and Regulations.

Section 5-104 Boundaries.

Chapter 2 – Southwest Tempe Overlay District

page 5-5

Section 5-201 Purpose.

Section 5-202 General Regulations.

Section 5-203 Prohibited Uses.

Section 5-204 Special Regulations, Building Design.

Section 5-205 Yard, Height, Area and Density Requirements.

Section 5-206 Boundaries.

Chapter 3 – Light Industrial Overlay District

page 5-8

Section 5-301 Purpose.

Section 5-302 General Regulations.

Section 5-303 Uses Requiring a Use Permit.

Section 5-304 Boundaries.

PART 6 – APPLICATIONS AND REVIEW PROCEDURES

Chapter 1 – Approval and Appeal Authorities

page 6-1

Section 6-101 Summary Decision Matrix.

Chapter 2 – Application Submittal and Review

page 6-3

Section 6-201 Initiation and Withdrawal of Application.

Section 6-202 Application Submittal.

Section 6-203 Application Acceptance.

Section 6-204 Administrative Review.

Section 6-205 Public Meeting Review.

Section 6-206 Public Hearing Review.

Section 6-207 Legislative Review.

Chapter 3 – Applications

page 6-8

Section 6-301 Code Interpretations and Similar Use Rulings.

Section 6-302 Preliminary Review Process.

Section 6-303 General Plan Amendment.

Section 6-304 Specific Area Plan.

Section 6-305 Zoning Map and Code Text Amendment.

Section 6-306 Planned Area Development.

Section 6-307 Development Plan Review.

Section 6-308 Subdivisions, Lot Splits and Adjustments.

Section 6-309 Use Permit.

Section 6-310 Variances.

Section 6-311	Abatement.
Section 6-312	Shared Parking.
Section 6-313	Modify Approved Plan, PAD, Use Permit or Condition of Approval.
Section 6-314	Security Plan.

Chapter 4 – Public Notices and Staff Reports

page 6-30

Section 6-401	General Provisions.
Section 6-402	Neighborhood Meetings.
Section 6-403	Notice for Public Meetings.
Section 6-404	Notice for Public Hearings.
Section 6-405	Notice of Appeals.
Section 6-406	Staff Reports.

Chapter 5 – Public Meetings and Public Hearings

page 6-35

Section 6-501	Purpose.
Section 6-502	Rules of Procedure.
Section 6-503	Record.

Chapter 6 – Conditions of Approval

page 6-38

Section 6-601	Conditions of Approval.
Section 6-602	Contract for Conditions.
Section 6-603	Time Limits on Conditions.
Section 6-604	Failure to Fulfill Previous Conditions.
Section 6-605	Modification or Removal of Conditions.

Chapter 7 – Re-Application, Reconsideration of Decisions

page 6-40

Section 6-701	Re-Application.
Section 6-702	Reconsideration as Extraordinary Remedy.
Section 6-703	Motion for Reconsideration.
Section 6-704	Motion for Reconsideration and Appeal Period.
Section 6-705	Process for Reconsideration.
Section 6-706	Reconsideration and Appeals.
Section 6-707	Reconsideration Limit.

Chapter 8 – Appeals**page 6-42**

Section 6-801	Purpose.
Section 6-802	Parties to an Appeal.
Section 6-803	Appeal Criteria.

Chapter 9 – Time Extension, Revocation, and Transfer of Permits/Approvals**page 6-44**

Section 6-901	Time Extension.
Section 6-902	Revocation of a Permit/Approval.
Section 6-903	Transfer of Permits/Approvals.

PART 7 – DEFINITIONS**Chapter 1 – Definitions****page 7-1**

Section 7-101	General Definitions and Terms.
Section 7-102	A.
Section 7-103	B.
Section 7-104	C.
Section 7-105	D.
Section 7-106	E.
Section 7-107	F.
Section 7-108	G.
Section 7-109	H.
Section 7-110	I.
Section 7-111	J.
Section 7-112	K.
Section 7-113	L.
Section 7-114	M.
Section 7-115	N.
Section 7-116	O.
Section 7-117	P.
Section 7-118	Q.
Section 7-119	R.
Section 7-120	S.
Section 7-121	T.
Section 7-122	U.
Section 7-123	V.
Section 7-124	W.
Section 7-125	X.
Section 7-126	Y.
Section 7-127	Z.

INDEX

APPENDIX

- A. Design Guidelines.
 - I. Purpose and Applicability.
 - II. Building Design Guidelines.
 - III. Bicycle Parking Design Guidelines.
 - IV. Landscape Design Guidelines.
 - V. Access and Circulation Design Guidelines.
 - VI. Security Gates Design Guidelines.
- B. 2' Plant List.
- C. 3' Plant List.
- D. Art in Private Development.
- E. Photometry Plan.
- F. Shared Parking Model.
- G. Fee Schedule.
- H. Zoning Administrator Opinions.

REFERENCES

PART 1 – INTRODUCTION

Chapter 1 – Organization

Chapter 2 – General Provisions

Chapter 3 – Officers, Boards and Commissions

CHAPTER 1 – ORGANIZATION

Section 1-101 Title.

Section 1-102 Purpose and Scope.

Section 1-103 How to Use the Zoning and Development Code.

Section 1-101 Title.

This Code shall be known and may be cited as the “Zoning and Development Code of the City of Tempe (ZDC).”

Section 1-102 Purpose and Scope.

- A. Purpose and Intent.** This Code is adopted to implement Tempe’s General Plan and to promote: public health, safety, convenience, aesthetics and welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision-making; and efficiency in development review and land use administration.
- B. Scope.** Consistent with the above purpose and intent, this Code: establishes land use classifications; creates zoning districts; imposes regulations, prohibitions and restrictions on land use and development; governs the use of land for residential and non-residential purposes; regulates and limits the height and bulk of buildings and other structures; limits lot occupancy and the size of yards and other open spaces; establishes standards of performance and design; adopts a map of the zoning districts; creates boards and commissions for land use and development decisions and defines the powers and duties of the boards and commissions; prescribes procedures for changes of districts, use permits, development plan and land division approvals, variances and other permits; prescribes penalties for violations of the Code; and repeals Ord. No. 808 and all conflicting regulations.

Section 1-103 **How to Use the Zoning and Development Code.**

The City of Tempe Zoning and Development Code (“this Code”) governs land use and development within the incorporated limits of the City of Tempe. The seven parts of the Code and Appendix are used together in the review of land use and development applications, enforcement of zoning and land use regulations, and implementation of the Tempe General Plan. They are organized as follows:

- A. **Part 1 – Introduction and General Provisions.** In addition to this chapter (Chapter 1 – Organization), Part 1 provides information on the legal construction of the Code, enforcement, general provisions (Chapter 2), and information on city officers, boards and commissions (Chapter 3).
- B. **Part 2 – Establish Zoning Districts.** Part 2 identifies the city’s zoning (land use) districts. Every parcel, lot, and tract of land within the city’s incorporated boundaries is located within a zoning district, as depicted on the City of Tempe Zoning Map. Four general types of districts are provided: Residential, Commercial, Mixed-Use, and Office/Industrial. Further divisions within each category provide a range of low to high-density development. Overlay districts are provided for special situations or distinct geographic areas.
- C. **Part 3 – Land Use.** Part 3 indicates the land uses that are permitted within each zoning district and provides standards for specific types of land uses. The Code is intended to implement the vision and policies of Tempe’s General Plan by reserving land for planned land uses, providing compatibility between different types of uses, and integrating land use and transportation planning.
- D. **Part 4 – Development Standards.** Part 4 provides standards for housing density; building height, bulk and setbacks; vehicle and bicycle parking; landscapes; access and circulation for pedestrians and vehicles; signs; lighting; and transportation demand management.
- E. **Part 5 – Overlay Districts.** Part 5 contains the city’s overlay zoning districts. Overlay zones in Tempe include the following: Rio Salado Overlay District, Southwest Tempe Overlay District, and Light Industrial Overlay District. The geographic boundaries of these areas are shown on the zoning map.
- F. **Part 6 – Administration and Process.** Part 6 provides all of the application requirements and procedures for obtaining approvals required by this Code.
- G. **Part 7 – Definitions.** Part 7 provides definitions for certain terms and words used in this Code.
- H. **Index.** An index is provided to easily reference key terms and phrases.
- I. **Appendix.** The Appendix contains a fee schedule, and various administrative rules and guidelines, as may be adopted and updated from time to time by the city departments and divisions. The administrative rules and guidelines provide guidance and direction to applicants, property owners, and city staff; they are not Code standards, although Code standards and approval criteria may refer to these rules and guidelines.

CHAPTER 2 – GENERAL PROVISIONS

- Section 1-201** **Violations and Penalties.**
- Section 1-202** **Repeal, Saving Clause and Application.**
- Section 1-203** **Compliance and Scope.**
- Section 1-204** **Consistency with General Plan.**
- Section 1-205** **Use of Real Property.**
- Section 1-206** **Pre-Existing Approvals (Grandfathered Approval).**
- Section 1-207** **Building Permit and Certificate of Occupancy.**
- Section 1-208** **Official Action.**
- Section 1-209** **Fractions Measurement.**

Section 1-201 **Violations and Penalties.**

- A. Violations.** It is unlawful to construct, erect, install, alter, change, maintain, use or to permit the construction, erection, installation, alteration, change, maintenance or use of any house, building, structure, sign, landscape area, parking lot, or fence, or to use or permit the use of any lot or other land contrary to, or in violation of any of the provisions of this Code. Any land use that is specifically prohibited by this Code, or is unspecified and not classified by the Zoning Administrator, is prohibited in any district.
- B. Number of Offenses.** Every such person, firm or corporation shall be deemed responsible or guilty of a separate offense for each and every day during which any violation is committed or continued.
- C. Property Owner is Responsible Party.** The owner or person in possession of any property used in violation of this Code shall be responsible for any violation thereof, whether or not he or she or his or her agent has committed the prohibited act or acts or has neglected to prevent the performance of the prohibited act or acts by another person.
- D. Penalty.** Any person, firm or corporation violating any of the provisions of this Code and any amendments thereto shall be either:
 - 1. Subject to a civil fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1000); or

2. Guilty of a class 1 misdemeanor, punishable by a fine not exceeding two thousand five hundred dollars (\$2500), or by a term of probation not exceeding three (3) years or imprisonment for a term not exceeding six (6) months, or punishable by a combination of fine, probation or imprisonment.

Section 1-202 Repeal, Saving Clause and Application.

- A. Repeal.** All Codes or parts of Codes in conflict herewith are hereby repealed, including but not limited to, Ord. No. 808.
- B. Saving Clause.** Should any section or provision of this Code be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole, or any part thereof other than the part so decided to be unconstitutional or invalid.
- C. Application.** The repeal of the Codes or parts thereof by this Code shall not:
 1. Affect suits pending or rights existing immediately prior to the effective date of this Code;
 2. Impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any such repealed Code or amendment thereto; or
 3. Affect or impair the validity of any bond or other obligation issued or sold and constituting a valid obligation of the issuing authority immediately prior to the effective date of this Code.

Section 1-203 Compliance and Scope.

- A. Compliance.** Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as allowed in this Code. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or use of land, and to those persons' successors in interest.
- C. Most Restrictive Regulations Apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. Variances.** Variances shall be governed by the provisions of Section 6-310.

- E. **Transfer of Development Standards Prohibited.** No lot area, yard, landscape, open space, off-street parking or loading area, or other feature which is required by this Code for one use shall be a required lot area, yard, landscape, open space, or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

Section 1-204 Consistency with General Plan.

All development, uses, and district changes in the City of Tempe shall be consistent with the Tempe General Plan as implemented by this Code. All provisions of this Code shall be construed in conformity with the adopted General Plan.

Section 1-205 Use of Real Property.

Land shall be used only for lawful uses. A lawful use is one that is permitted by this Code and is not prohibited by law. Part 3, Land Use, sets forth the uses permitted by this Code.

Section 1-206 Pre-Existing Approvals (Grandfathered Approval).

- A. **Legality of Pre-Existing Approvals.** Developments and uses for which approvals were lawfully granted prior to the effective date of this Code, may occur pursuant to such approvals.
- B. **Subsequent Applications.** All applications for uses, development, and permits received by the city after [*the effective date*], including modifications processed under Section 6-313, shall conform to the provisions of this Code.

Section 1-207 Building Permit and Certificate of Occupancy.

- A. **Building Permit.** A building permit shall not be issued until the Development Services Department has determined that the proposal complies with all of the applicable land use and development standards contained in this Code.
- B. **Certificate of Occupancy.** To ensure completion of a building in the manner approved by the city, the building shall not be occupied and a use shall not begin until the Development Services Department has issued a certificate of occupancy.
- C. **Prior to Final Completion.** Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain and guaranteed, as applicable.

Section 1-208 Official Action.

- A. **Official Action.** All officials, departments, divisions, and employees of the city vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code.
- B. **Notice.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, except as otherwise determined by the City Attorney.

Section 1-209 Fractions Measurement.

Fractions equal to or greater than five-tenths (5/10) of a whole number shall be rounded up to the next whole number.

CHAPTER 3 – OFFICERS, BOARDS AND COMMISSIONS

- Section 1-301 Purpose.**
- Section 1-302 Zoning Administrator.**
- Section 1-303 Hearing Officer.**
- Section 1-304 Board of Adjustment.**
- Section 1-305 Planning and Zoning Commission.**
- Section 1-306 Redevelopment Review Commission.**
- Section 1-307 Design Review Board.**
- Section 1-308 City Council.**

Section 1-301 Purpose.

This Chapter sets forth the purpose, duties, organization, and powers of the city boards, commissions, and other bodies charged in making decisions under this Code. For a complete description of the decision making procedures they follow, please refer to Part 6, Chapter 1, Approval and Appeal Authorities.

Section 1-302 Zoning Administrator.

- A. Zoning Administrator – Created and Purpose.** The Zoning Administrator is the manager of development services or his or her designee. He or she interprets this Code in making decisions and recommendations on applications.
- B. Zoning Administrator – Duties and Powers.** The Zoning Administrator is charged with the responsibility of interpretation and enforcement of this Code. Interpretation of this Code includes, but is not limited to, clarification of intention, determination of zoning classifications of land uses not specified in this Code, the delegation of processing procedures and requirements, and enforcement of Code provisions. The Zoning Administrator may appoint representatives of the Development Services Department to enforce provisions of this Code. Any land use that is unspecified and not classified by the Zoning Administrator is prohibited in any district. Appeals from the determinations of the Zoning Administrator may be taken to the Board of Adjustment.

Section 1-303 Hearing Officer.

- A. Hearing Officer – Created and Purpose.** The Hearing Officer hereafter called "HO" shall be appointed by the City Attorney or his or her designee. The HO conducts public hearings on specific applications and interprets this Code in making decisions on applications.
- B. Hearing Officer – Duties and Powers.** The HO has the power to review and approve, deny, or approve with conditions variances and use permits. The HO also hears appeals regarding the rental housing code and abatements under Tempe City Code. The HO is charged with the following duties:
1. Hear requests for use permits;
 2. Hear requests for variances; and
 3. Prescribe in connection with any use permit or variance such conditions as necessary to fully carry out the provisions and intent of this Code. Violation of any HO condition shall be a violation of this Code.
- C. Hearing Officer – Organization.** Meetings of the HO shall be open to the public. The HO will ask if there are public comments on each agenda item, and the public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, and records of the HO's examinations and other official actions, shall be kept and filed with the City Clerk as a public record.
- D. Hearing Officer – Appeals.** Appeals of the decisions of the HO shall be heard de novo by the Board of Adjustment.

State law reference—Hearing officers in cities, established, appointment, A.R.S. §9-462.08.

Section 1-304 Board of Adjustment.

- A. Board of Adjustment – Created and Purpose.** The Board of Adjustment, hereafter called "BA," is created to provide relief from the terms of this Code and to hear and decide appeals from decisions of the Hearing Officer or Zoning Administrator.
- State law reference**—See A.R.S 9-4 for appeals of Board of Adjustment decisions.
- B. Board of Adjustment – Duties and Powers.** The BA interprets this Code in hearing and deciding variances, and hearing and deciding appeals from decisions of the zoning administrative hearing officer or Zoning Administrator. The BA shall have the following powers:
1. Hear appeals from any decision made by the zoning administrative hearing officer;

2. Hear appeals when there is an alleged error in a decision made by the Zoning Administrator in the interpretation and enforcement of this Code; and
3. Hear requests for use permits and variances, as determined by the Development Services Manager, and as provided in Section 6-309 and Section 6-310 of this Code, and approve, deny, or approve applications with revisions and conditions. The BA may, in connection with any variance, impose conditions as it deems necessary to fully carry out the provisions and intent of this Code. Violation of any BA condition shall be a violation of this Code.

C. Board of Adjustment – Organization.

1. The BA shall consist of seven (7) members and two (2) alternates appointed by the Mayor and confirmed by City Council. The alternates shall serve at the board meetings whenever regular board members are unable to attend or must decline due to conflict of interest. Each member shall be a resident of the city. The members of the BA shall be appointed for three-year terms, unless sooner removed by the council, and their terms shall be staggered so that the terms of at least two (2), but not more than three (3) members, conclude in any given year. Nothing herein shall affect the expiration of the current terms of the BA. Vacancies for the unexpired term of a member shall be filled by the Mayor with City Council approval. The members of the BA shall serve without compensation.
2. The BA shall elect a chairperson and vice-chairperson from among its own members who shall have power to administer oaths, take evidence, and set consent agendas.
3. Hearings of the BA shall be open to the public. The chair will ask if there are public comments on each agenda item, and the public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, showing the vote of each member, and records of the board's examinations and other official actions, shall be kept and filed with the City Clerk as a public record.
4. The BA shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.
5. A quorum consists of four (4) members of the BA. The concurring vote of four (4) members of the BA shall be necessary to reverse any order or decision of an administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass, or to affect any variation from the terms and conditions of this Code. Any other motion shall be governed by Robert's Rules of Order.
6. The Development Services Manager, or his or her designated representative, shall serve ex officio as the secretary of the BA.

7. Whenever members are either unable to attend or must decline due to conflict of interest, they shall give timely notice to the appropriate staff person of the Development Services Department. The staff shall then notify the alternate BA members to fill any vacancy. In the event that such members are not sufficiently available to make a quorum, staff are authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum.

D. Board of Adjustment – Appeals. Appeals to BA decisions shall be to Maricopa County Superior Court in conformance with Section 6-803 of this Code.

Section 1-305 Planning and Zoning Commission.

A. Planning and Zoning Commission – Created and Purpose. The Planning and Zoning Commission, hereafter called "PZ," is created to make decisions on major development plans, planned area developments, use permits and variances, and provide analysis and recommendations to the City Council on the city's General Plan, re-zonings and Code amendments. Its purpose is to review all aspects of a proposed and future development including, but not limited to, present and projected growth of the city, site planning and the relationship of the development to the surrounding environment and the community. The PZ recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, safe, attractive and compatible development, that is therefore considered to be in the best interest of health, safety and general welfare.

City code reference—See TCC §25-16 et seq., establishing Planning and Zoning Commission, setting officers, meetings, powers and duties.

State law reference—Planning commission hearings, notices, A.R.S. §9-462.04.

B. Planning and Zoning Commission – Duties and Powers. In carrying out the provisions and intent of the General Plan, the PZ shall have the powers to:

1. Hear requests for subdivisions, amendments to the General Plan, or Code text or district zoning map, and recommend approval, denial or approval with revisions and conditions upon such requests to the City Council;
2. Hear requests for use permits, variances, development plans, and planned area developments, as determined by the Development Services Manager, and as provided in Section 6-309 and Section 6-310 of this Code, and approve, deny, or approve them with revisions and conditions. Violation of any PZ condition shall be a violation of this Code.

C. Planning and Zoning Commission – Organization.

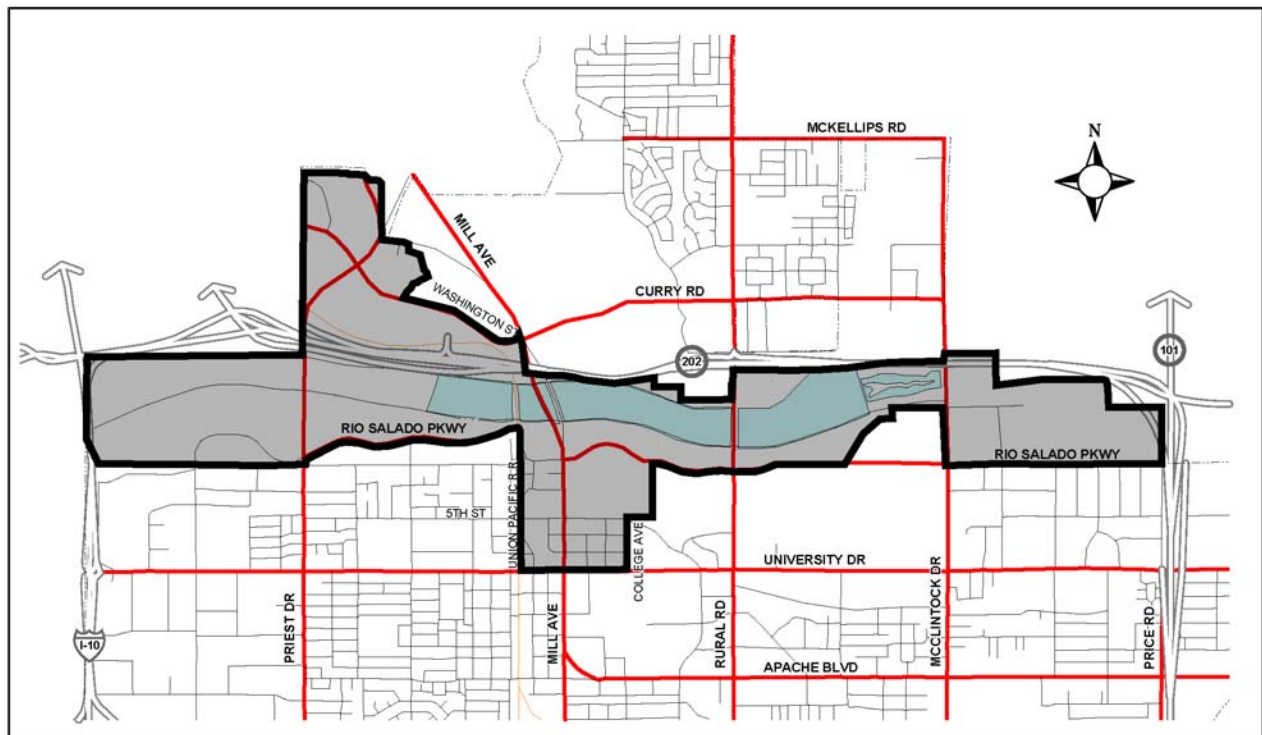
1. The PZ shall consist of seven (7) members and two (2) alternates. The alternates shall serve at the commission meetings whenever a regular board member is unable to attend or must decline due to conflict of interest. All PZ members shall be residents of the city, and shall be appointed by the Mayor with the approval of the City Council. The members of the PZ shall serve for three (3) year terms, unless sooner removed by the council, and their terms shall be staggered so that the terms of at least two (2), but not more than three (3) members conclude in any given year. Nothing herein shall affect the expiration of the current terms of the PZ. Any vacancy shall be filled by the Mayor, with City Council approval, for the unexpired term. The members of the PZ shall serve without compensation.
2. The PZ shall elect a chairperson and vice-chairperson from among its own members who shall have power to administer oaths, take evidence, and set consent agendas.
3. Hearings of the PZ shall be open to the public. The chair will ask if there are public comments on each agenda item, and the public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, showing the vote of each member, and records of the board's examinations and other official actions, shall be kept and filed with the City Clerk as a public record.
4. The PZ shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.
5. A quorum consists of four (4) members of the PZ. The concurring vote of four (4) members of the PZ shall be necessary to approve, deny, approve with conditions, or make a recommendation on any application. Any other motion shall be governed by Robert's Rules of Order.
6. The Development Services Manager, or his or her designated representative, shall serve ex officio as secretary of the PZ.
7. Whenever a member is either unable to attend or must decline due to conflict of interest, that member shall give timely notice to the appropriate staff person of the Development Services Department. The staff shall then notify the alternate PZ member to serve. In the event that such members are not sufficiently available to make a quorum, staff are authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum.

D. Planning and Zoning Commission – Appeals. Appeals of PZ decisions shall be heard by City Council in conformance with the procedures in Section 6-803 of this Code.

Section 1-306 **Redevelopment Review Commission.**

A. Established; Purpose and Composition. There is hereby established the Redevelopment Review Commission, hereafter referred to as RRC, for the purpose of reviewing and making decisions and recommendations on applications, in lieu of the BA, PZ, and Design Review Board (DRB), within the areas described in subsections 1 and 2, below. The RRC shall be composed of seven (7) members and four (4) alternate members. The RRC will review development projects in the following areas of the city:

1. University-Hayden Butte redevelopment area; and
2. Rio Salado-McClintock redevelopment area



B. Appointment of Members; Terms of Office.

1. The members and alternates of the RRC shall be appointed by the Mayor with the approval of the City Council. Members consist of one (1) current member from the Planning and Zoning Commission, one (1) current member from the Board of Adjustment, one (1) current member from the Design Review Board, one (1) current member from the Rio Salado citizen advisory commission, one (1) current member from the Parks and Recreation Board and two (2) members selected from residents of the city. The four (4) alternate members consist of one (1) current member from the Planning and Zoning Commission, one (1) current member from the Board of Adjustment,

one (1) current member from the Design Review Board and one (1) current member from the Rio Salado citizen advisory commission. The alternates shall serve at the commission meetings whenever a regular commission member is unable to attend or must decline due to a conflict of interest.

2. The term of office for all RRC members appointed from either the PZ, BA, DRB, the Rio Salado citizen advisory commission or the Parks and Recreation Board shall be the equivalent time period of the term that member is serving on their respective board or commission, not to exceed three (3) years beginning on the date of appointment by the Mayor and City Council. The term of office of all remaining RRC members is three (3) years beginning on the date of appointment by the Mayor and City Council.
 3. Any vacancies shall be filled for the unexpired term of the member whose office is vacant in the same manner as such member received original appointment.
- C. Compensation.** Members of the RRC shall receive no compensation for their services as commission members.
- D. Officers.** The chairperson and such other officers, as the RRC by its rules of procedure may prescribe, shall be selected by the RRC members at the first meeting of the RRC following the first day of January of each year and shall serve until the 31st day of December of the same year. The chairperson shall appoint the chair and membership of all subcommittees of this RRC.
- E. Duties and Powers.** The RRC shall have the following duties and powers:
1. Except for those powers granted to the Zoning Administrator and HO, the RRC shall exercise the powers granted to the PZ, the BA and the DRB consistent with applicable law for those boards and commission for any development action in the:
 - a. University-Hayden Butte redevelopment area; and
 - b. Rio Salado-McClintock redevelopment area.
 2. Meetings of the RRC shall be open to the public. The chair will ask if there are public comments on each agenda item, and the public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, showing the vote of each member and records of its examinations and other official actions, shall be kept and filed in the office of the development services department as a public record;
 3. The RRC shall not adopt rules of procedure that are inconsistent with Section 1-306 or other provisions of this Code;

4. The affirmative vote of four (4) members is required to approve any application or to decide any matter before the RRC. Four (4) members constitutes a quorum of the RRC;
5. Except for appeals, the rules and procedures for advertising, notification and scheduling of hearings before the RRC shall be consistent with the legal standards required for action before the PZ, the BA or the DRB depending upon the individual case subject. If any conflict exists between the provisions of this chapter regarding advertising, notification or scheduling and another applicable law then the stricter standard applies;
6. A person aggrieved by a decision of the RRC or a taxpayer, officer or department of the municipality affected by a decision of the RRC may file, at any time within fifteen (15) days after the RRC has rendered its decision, an appeal with the City Clerk. The City Council will hear the appeal in accordance with procedures adopted by the council and may affirm or reverse, in whole or in part, or modify the RRC's decision;
7. This section, providing for the operation of the RRC, is only in effect for a period of three (3) years after its original effective date, unless further extended by appropriate City Council action; and
8. The Development Services Manager, or his or her designated representative, shall serve ex officio as secretary of the RRC.

Section 1-307 Design Review Board.

- A. **Design Review Board – Created and Purpose.** The Design Review Board, hereafter called “DRB,” is created to review design aspects of proposed developments to encourage, protect, and enhance the functionality, attractiveness, accessibility, and safety of the City of Tempe. The city recognizes that the creation of a desirable environment throughout the city for residents, business and industry is a prime requisite for the preservation of property values, for the development of compatible uses and buildings, and for the preservation of public health, safety and general values. The DRB recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, safe, attractive and compatible development, that is therefore considered to be in the best interest of health, safety and general welfare.
- B. **Design Review Board – Duties and Powers.** The DRB shall have the power to:
 1. Conduct public meetings to review requests for major development plan approval for industrial developments, commercial developments, and multi-family developments. See also, Section 6-307B, for description of major versus minor development plan;

2. Review development plans, exterior elements of buildings, landscapes, signage, additions to existing buildings, and modifications to a site;
3. Decide to approve, approve with revisions, or deny development plan applications described in subsection 1; and
4. The DRB shall prescribe in connection with any request for a development plan approval such conditions as the board may deem necessary in order to fully carry out the provisions and intent of this Code. Violation of any such conditions shall be a violation of this Code.

C. Design Review Board – Organization.

1. The DRB shall be composed of seven (7) members and two (2) alternates. The alternate shall serve at the board meetings whenever a regular board member is unable to attend or must decline due to a conflict of interest. The members shall be selected from residents of the city by the Mayor with the approval of the City Council. At least two (2) members of the DRB and an alternate shall be architects, landscape architects or otherwise qualified by design background, training or experience. The terms of the members shall be for three (3) years and shall be so staggered that the terms of at least two (2), but not more than three (3), members shall conclude in any given year. Nothing herein shall affect the expiration of the current terms of the DRB. Any vacancy shall be filled by the City Council for the unexpired term. The members of the DRB shall serve without compensation.
2. The DRB shall elect a chairperson and vice-chairperson from among its own members who shall have power to conduct board meetings, take public comment, and set consent agendas.
3. Meetings of the DRB shall be open to the public. The chair will ask if there are public comments on each agenda item, and the public shall be given an opportunity to provide oral or written comments. The minutes of its proceedings, showing the vote of each member, and records of the board's examinations and other official actions, shall be kept and filed with the City Clerk as a public record.
4. The DRB shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.
5. Four (4) members shall constitute a quorum of the board and four (4) affirmative votes shall be required to approve an application. Any other motion shall be governed by Robert's Rules of Order.
6. The Development Services Manager, or designated representative, shall serve ex officio as secretary of the DRB, but shall have no vote.
7. Whenever a member is either unable to attend or must decline due to conflict of interest, that member shall give timely notice to the appropriate staff

person of the Development Services Department. The staff shall then notify the alternate DRB member to serve. In the event that such members are not sufficiently available to make a quorum, staff are authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum.

- D. Appeals.** Appeals of DRB decisions shall be referred to the City Council and processed in accordance with Sections 6-801 through 6-803.

Section 1-308 City Council.

- A. Created and Purpose.** The City Council is created per the City Charter, Arizona Revised Statutes.
- B. Duties and Powers.** For the purpose of this Code, the City Council will have the following powers:
1. Hear and decide requests for subdivisions, amendments to the General Plan, code text or zoning map amendments, and use permits, variances, and PADs as applicable;
 2. Hear and decide appeals of decisions of the Planning and Zoning Commission, Redevelopment Review Commission, and Design Review Board; and
 3. Council may prescribe in connection with a request noted in subsection 1 and 2 above, conditions as the council may deem necessary, in order to fully carry out the provisions and intent of the General Plan and this Code. Violations of any such conditions shall be a violation of this Code.
- C. Organization.** Refer to City Charter and City Code.
- D. Appeals.** Appeals of City Council decisions shall be processed to Maricopa County Superior Court.

PART 2 – ESTABLISH ZONING DISTRICTS

Chapter 1 – Zoning Districts

CHAPTER 1 – ZONING DISTRICTS

Section 2-101	Purpose.
Section 2-102	Residential Districts.
Section 2-103	Commercial and Mixed-Use Districts.
Section 2-104	Office/Industrial Districts.
Section 2-105	Overlay Districts.
Section 2-106	Location and Boundaries of Districts.

Section 2-101 Purpose.

The City designates land use “zoning districts” to promote compatibility between land uses, buildings and structures; efficient use of land; transportation options and accessibility; and crime prevention and safety. The districts classify, regulate and restrict uses, as well as combine uses and encourage the location of compatible land uses close to one another. The district regulations provide development standards pertaining to the intensity of land uses and development, height and bulk of buildings and structures, and area of yards and other open areas between buildings and structures.

Section 2-102 Residential Districts.

Residential districts include the following:

- A. Agricultural (AG)
- B. Single-family residential (includes: R1-15, R1-10, R1-8, R1-7, R1-6, R1-5, and R1-4)
- C. Single-family residential Planned Area Development (R1-PAD)
- D. Multi-family residential (R-2)
- E. Multi-family residential restricted (R3-R)

- F. Multi-family residential limited (R-3)
- G. Multi-family residential general (R-4)
- H. Multi-family residential high density (R-5)
- I. Manufactured housing subdivision (MHS)
- J. Mobile home residence (RMH)
- K. Trailer park (TP)

Section 2-103 Commercial and Mixed-Use Districts.

Commercial and mixed-use districts include the following:

- A. City center (CC)
- B. Commercial shopping and service (CSS) (formerly known as CCR, C-1 and C-2 districts)
- C. Mixed-use commercial and residential (MU-1, MU-2, MU-3, MU-4) (requires a PAD) (MU-4 formerly known as MG district)
- D. Planned commercial center neighborhood (PCC-1) (requires a PAD)
- E. Planned commercial center general (PCC-2) (requires a PAD)
- F. Regional commercial center (RCC) (requires a PAD)
- G. Residential/Office (R/O)

Section 2-104 Office/Industrial Districts.

Office/Industrial districts include the following:

- A. Office buffer district (OBD) (formerly known as IBD district)
- B. Light industrial district (LID) (formerly known as I-1 and I-2 districts)
- C. Heavy industrial district (HID) (formerly known as I-3 district)

Section 2-105 Overlay Districts.

Overlay districts include the following:

- A. Rio Salado overlay district
- B. Southwest Tempe overlay district
- C. Light industrial overlay district (LIOD)

Section 2-106 Location and Boundaries of Zoning Districts.

The locations and boundaries of the zoning districts are established as they are shown on the map entitled "Zoning Map, City of Tempe" Where uncertainty exists as to the boundaries of any of the districts shown on the map, the following shall apply:

- A. **Location.** District boundary lines are intended to follow street, alley, lot or property lines existing at the time of passage of this Code, except where the zoning map clearly shows the boundary lines not following one of these features. Where the application of this rule does not clarify the zone boundary location, then the Zoning Administrator shall determine the location;
- B. **Annexations.** Territory annexed to the city subsequent to the effective date of this Code shall, upon the date that the annexation becomes effective, automatically become zoned as an AG, agricultural district. Territories annexed with AG zoning shall remain AG until such time as the City Council adopts a different zoning district for the annexed area. Any property owner of land annexed into the city may apply for a rezoning classification at no charge within one (1) year of the date of annexation; and
- C. **Default.** Those parcels without zoning designation on the zoning map, and without any record of a zoning classification are zoned as an AG, agricultural district.

PART 3 – LAND USE

Chapter 1 – Uses Permitted in Residential Districts

Chapter 2 – Uses Permitted in Commercial and Mixed-Use Districts

Chapter 3 – Uses Permitted in Office/Industrial Districts

Chapter 4 – Special Use Standards

Chapter 5 – Non-Conforming Situations

CHAPTER 1 – USES PERMITTED IN RESIDENTIAL DISTRICTS

Section 3-101 Purpose and Applicability.

Section 3-102 Permitted Uses In Residential Districts.

Section 3-101 Purpose and Applicability.

- A. Purpose.** The residential districts are designed to provide for neighborhoods ranging in densities from very low to moderately high. The differences in these densities and regulations are intended to support the varying lifestyles of the city's residents. The districts provide for a range of residential habitation including rural-agricultural, single-family, multi-family, mobile home, and combinations thereof, together with home occupations, schools, parks, and public services necessary for neighborhood living.
- B. Applicability.** Residential zoning districts fall under three categories:
1. Single-family residential (AG, R1-15, R1-10, R1-8, R1-7, R1-6, R1-5, R1-4 and R1-PAD);
 2. Multi-family residential (R-2, R3-R, R-3, R-4, R-5); and
 3. Mobile home (RMH, MHS and TP).
- C. Applicability of Other Code Chapters.** Uses permitted under this chapter shall conform to the development standards in Part 4 and the application procedures in Part 6, as applicable. Uses shall also conform to any overlay district requirements that are applicable. Uses permitted with special standards or limitations ("S" type uses) shall comply with the standards in Part 3, Chapter 4, Special Use Standards. See also, Zoning Administrator Opinions in Appendix H.

Section 3-102 Permitted Uses in Residential Districts.

Table 3-102 identifies land uses according to permit status. See key below the table:

Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)				
Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
Accessory Buildings, Uses and Structures – except accessory dwelling [Section 3-401]	S	S	S	S
Accessory Dwelling [Section 3-402]	N	N	S	N
Agriculture, Horticulture, Apiaries, Aviaries, Keeping Livestock [Section 3-404]	S	N	N	N
Bed and Breakfast [Section 3-405]	U(S)	U(S)	U(S)	N
Boutique [Section 3-406]	S	S	S	N
Cemeteries, Mausoleums, Crematoriums (AG or multi-family districts only)	U	N	U	N
Chickens, Rabbits, Similar Small Animals				
For farming (AG only)	P	N	N	N
Maximum 5 each, excluding roosters and peafowl	P	P	N	N
Construction Offices, Temporary	P	P	P	P
Country Clubs, Private Clubs, Golf Courses	U	U	U	N
Day Care, In-Home				
Not to exceed 6 children	P	P	P	N
7 to 10 children [Section 3-407]	U(S)	U(S)	U(S)	N
Fraternity and Sorority Houses in R-3 and R-4 Districts Only	N	N	U	N
Group Homes for Adult Care, Disabled, Child Shelter [Section 3-409]	S	S	S	N
Guest Room [Section 3-410]	S	S	P	P
Guest Quarters [Section 3-411]	S	N	N	N
Home Occupations [Section 3-412]	S	S	S	S
Horse Stables, Commercial (AG only) [Section 3-404]	U	N	N	N
Horses, Keeping of (in the R1-15, R1-10, and AG districts only) [Section 3-404]	S	U(S)	N	N
Hospitals, Sanitariums, Nursing Homes, Convalescent Homes, Orphanages, Institutions of Mentally Disabled (AG, R-3, R-3R, R-4 only) [Section 3-413]	U(S)	N	U(S)	N
Live-Work [Section 3-414]	N	N	U (S)	N
Mobile Homes [Section 3-416]	N	N	N	S

Key:

P = Permitted
 S = Permitted with special standards or limitations
 U = Use permit required
 N = Not permitted

AG = Agriculture districts
 SFR = Single-family districts
 MF = Multi-family districts
 MH = Mobile home district

RMH = Mobile Home Residence
 TP = Trailer Park

Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)

Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
Multi-Family Dwelling (2 or more dwellings)	N	N	P	N
Nursery Schools and Day Care Centers (R-3, R-3R, and R-4 districts only)	N	N	U	N
Parking Facilities for Commercial Uses – off-street and not enclosed in a building	N	N	U	N
Places of Worship – except tents and other temporary structures or buildings not permitted	P	P	P	P
Processing of Farm Products – customarily incidental to a permitted farm use and with a net site area of 5 acres or more	U	N	N	N
Public Uses				
Civic facilities (e.g., post office, library, city office, customer serving)	U	U	U	N
Municipal facilities (maintenance, repair and storage)	U	U	U	N
Open space, parks, similar uses (See also, Schools)	U	U	U	N
Residential Sales Office, Temporary [Section 3-419]	S	S	S	S
Retailing of Farm Products Produced on Premises	U	N	N	N
School, Charter	U	U	N	N
School, Private	U	U	N	N
School, Public	P	P	P	P
Similar Uses Any use similar to, and not more detrimental than the uses permitted herein, as determined by the Zoning Administrator, may be permitted [Section 6-301]	P	P	P	P
Single-Family Dwelling	P	P	P	P
Second Story Addition or Replace Single Story with 2 or More Stories [Section 3-420]	U(S)	U(S)	U(S)	N
Wireless Telecommunication Facilities [See Section 3-421]	U(S)	U(S)	U(S)	U(S)
Amateur Radio Antennas				
35 feet in height or less	P	P	P	P
Over 35 feet in height	U	U	U	U

Key:

P = Permitted
 S = Permitted with special standards or limitations
 U = Use permit required
 N = Not permitted

AG = Agriculture districts
 SFR = Single-family districts
 MF = Multi-family districts
 MH = Mobile home district

RMH = Mobile Home Residence
 TP = Trailer Park

CHAPTER 2 – USES PERMITTED IN COMMERCIAL AND MIXED-USE DISTRICTS

Section 3-201 Purpose and Applicability.

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts.

Section 3-201 Purpose and Applicability.

A. Purpose. The commercial and mixed-use districts land use standards are intended to:

1. Allow a mixture of complimentary land uses that may include retail, offices, commercial services, civic uses, and housing to create economic and social vitality, and to encourage the linking of trips; and
2. Develop commercial and mixed-use areas that encourage walking as an alternative to driving and provide employment and housing options.

B. Applicability. Commercial and mixed-use districts fall under six categories:

1. Residential/Office (R/O). The R/O district allows professional and administrative services, live-work, and limited retail uses on small parcels located between higher intensity commercial and multi-use zones and residential zones;
2. Commercial Shopping and Services (CSS) (formerly known as CCR, C-1 and C-2 districts). The CSS district is intended to meet the daily shopping and service needs of Tempe's neighborhoods;
3. City Center (CC). The CC district fosters employment and livability in Tempe's city center by providing retail, offices, moderate- and high-density residential uses, entertainment, civic uses, and cultural exchange in a mixed-use environment that supports the public investment in transit and other public facilities and services;
4. Planned Commercial Center (PCC-1, PCC-2). The PCC districts are for neighborhood (PCC-1) or general (PCC-2) retailing, services and entertainment uses oriented to serve the needs of the neighborhood, community or the metropolitan region. Both districts require approval of a Planned Area Development (PAD). Residential uses and mixed-use may be permitted if approved as part of the PAD or PAD amendment;
5. Regional Commercial Center (RCC). The RCC district provides regional shopping facilities in locations deemed appropriate to serve large demographic areas (requires a PAD); and

6. Mixed-Use Commercial and Residential [MU-1, MU-2, MU-3, MU-4 (MU-4 formerly known as MG district)]. The MU zone districts allow the integration of commercial and residential uses to support walking and transit as alternates to driving, and to provide employment and housing options. MU districts allow a range of development intensities and uses including, but not limited to: personal and professional services, institutional and civic uses, retail, multi-family dwellings, attached single-family dwellings, and mixed-use buildings and building sites. All mixed-use districts require a PAD for processing.
 - a. The MU-1 district allows low to medium density housing to be combined with commercial, office and public uses that serve the neighborhood. Residential uses are allowed up to ten (10) units per acre. Permitted commercial uses are limited to those that are compatible with low to medium density housing.
 - b. The MU-2 district allows medium density housing to be combined with commercial, office and public uses that serve the neighborhood. Residential uses are allowed up to twenty (20) units per acre. Permitted commercial uses include those that are allowed in the MU-1 district, and some hotels, motels and lodging when approved with a use permit.
 - c. The MU-3 district allows medium to high density housing to be combined with commercial, office and public uses that serve the neighborhood and/or community. Residential uses are allowed up to thirty (30) units per acre. Permitted commercial uses include those that are allowed in the MU-1 and MU-2 districts, and hotels and motels (permitted); and hospitals, commercial parking, and retail, financial and restaurant uses with drive through facilities when approved with a use permit.
 - d. The MU-4 district (formerly known as MG district) allows unlimited housing density in a mixed-use setting with commercial, office, and public uses. Development intensity in the MU-4 district is established through the PAD process and must be consistent with the General Plan and the city's ability to provide public facilities.

- C. **Applicability of Other Code Chapters.** Uses permitted under this chapter shall conform to the development standards in Part 4 and the application procedures in Part 6, as applicable. Uses shall also conform to any overlay district requirements that are applicable. Uses permitted with special standards or limitations ("S" type uses) shall comply with the standards in Part 3, Chapter 4, Special Use Standards. Zoning Administrator opinions may also apply. See Appendix H.

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts

Table 3-202A identifies land uses according to permit status. See key below the table:

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)						
Uses	Status of Use District					
	R/O	CSS	CC	PCC1	PCC 2	RCC
Accessory Use	P	P	P	P	P	P
Bakery	N	P	P	P	P	P
Brewery	N	U	U	U	U	P
Cemeteries, Crematoriums and Mausoleums	N	U	U	U	U	N
Childcare Center	P	P	P	P	P	P
Clinic (medical, dental, veterinary (small animals))	P	P	P	P	P	P
Clubs						
Bar (indoor or outdoor), tavern, or nightclub (a)	N	U	U	U	U	P
Lodge or similar organization (a)	N	P	P	P	P	P
Teen night club (a)	N	U	U	U	U	U
Convenience Store (a)	N	P	P	P	P	P
With gas/fuel sales (a)	N	U	N	U	U	P
Entertainment	N	U	U	U	U	P
Amusement businesses (a)	N	U	U	U	U	P
Outdoor (permanent use)	N	U	U	U	U	U
Theater or similar use	N	P	P	P	P	P
Financial Institutions	P	P	P	P	P	P
Fine Arts Class Instruction	U	P	P	P	P	P
Heliport	N	U	U	U	U	U
Hospitals, Sanitariums, Nursing Homes, Convalescent Homes, Orphanages, Institutions of Mentally Disabled [Section 3-413]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Hotels and Motels (a)	N	U	U	U	U	P
Live-Work [Section 3-414]	P	N	P	U	U	N
Mini-Warehouse [Section 3-415]	N	U(S)	N	U(S)	U(S)	S

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

R/O = Residence/Office
CSS = Commercial Shopping and Services (formerly CCR, C-1, C-2 districts)
CC = City Center
PCC1 = Planned Commercial Center Neighborhood
PCC2 = Planned Commercial Center Comprehensive
RCC = Regional Commercial Center

(a) Security plan required. See Appendix.

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)

Uses	Status of Use District					
	R/O	CSS	CC	PCC1	PCC 2	RCC
Offices	P	P	P	P	P	P
Outdoor Storage of equipment, goods, or materials	N	N	N	U	U	U
Parking, Commercial						
Surface	N	U	U	P	P	P
Structure	N	U	P	U	U	P
Photography Studio	P	P	P	P	P	P
Public Uses						
Civic facilities (e.g., post office, library, city office, customer serving)	P	P	P	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	U	U	U	U	U
Open space, parks, similar uses (See also, Schools)	P	P	P	P	P	P
Radio and Television Studios with Receiving and Transmitting Towers	N	U	N	U	U	P
Residential, caretaker residence	P	P	P	P	P	P
Residential, except caretaker residence	P	N	P	U	U	N
Restaurants (a)	N	P	P	P	P	P
Entertainment as accessory use (a)	N	U	U	U	U	P
Outdoor dining (a)	N	P	P	P	P	P
With drive-in or drive-through, [Section 3-408]	N	S	N	S	S	S
With liquor license (a)	N	P	P	P	P	P
Retail Sales	N	P	P	P	P	P
Drive-through or drive-in [Section 3-408]	N	U(S)	P(S)	P(S)	P(S)	P(S)
Outdoor retail display [Section 3-418]	N	N	S	N	N	N
Outdoor retailing related to special sporting events, temporary (a)	N	S	S	S	S	S
Pawn shops (a)	N	U	U	U	U	U
Schools, Charter	U	U	U	U	U	U
Schools, Private	U	U	U	U	U	U
Schools, Public	P	P	P	P	P	P

Key:

P = Permitted

S = Permitted with special standards or limitations

U = Use permit required

N = Not permitted

R/O = Residence/Office

CSS = Commercial Shopping and Services (formerly CCR, C-1, C-2 districts)

CC = City Center

PCC1 = Planned Commercial Center Neighborhood

PCC2 = Planned Commercial Center Comprehensive

RCC = Regional Commercial Center

(a) Security plan required. See Appendix.

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)

Uses	Status of Use District					
	R/O	CSS	CC	PCC1	PCC 2	RCC
Services						
Barber/ beauty salon	P	P	P	P	P	P
Drycleaner	N	P	P	P	P	P
Catering service	N	P	P	P	P	P
Courier/delivery service	N	U	U	U	P	P
Minor appliance repair	N	P	P	P	P	P
Personal or business	N	P	P	P	P	P
Tattoo shops, body piercing	N	U	U	U	U	U
Travel agency	N	P	P	P	P	P
Similar Uses Any use similar to, and not more detrimental than the uses permitted herein, as determined by the Zoning Administrator, may be permitted [Section 6-301]	P	P	P	P	P	P
Taxi Dispatch	N	U	U	U	P	P
Tutoring/After School Learning Center	P	P	P	P	P	P
Vehicle						
Car wash, full service [Section 3-408]	N	U	N	U(S)	U(S)	S
Car wash, self service [Section 3-408]	N	U(S)	N	U	U	P
Vehicle repair/service	N	N	U	U	U	P
Sales, rental	N	N	U	U	U	P
Service station/fuel sales [Section 3-408]	N	U(S)	N	U(S)	U(S)	S
Warehouse Commercial	N	P	P	P	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)
Amateur Radio Antennas						
35 feet in height or less	P	P	P	P	P	P
Over 35 feet in height	U	U	U	U	U	U

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4)

Uses	Districts			
	MU-1	MU-2	MU-3	MU-4
Accessory Use	P	P	P	P
Bakery	P	P	P	P
Bed and Breakfast	P	P	P	P
Brewery (a)	U	U	P	P
Childcare Center	P	P	P	P
Clinic (medical, dental, veterinary (small animals))	P	P	P	P
Clubs				
Bar, tavern, nightclub (a)	U	U	U	P
Lodges & similar organization (a)	U	P	P	P
Teen nightclub (dance hall) (a)	N	N	U	P
Entertainment	U	U	P	P
Amusement (arcade) (a)	N	U	U	P
Outdoor/permanent use	N	N	N	N
Theater or similar use	U	U	U	P
Financial Institutions	P	P	P	P
With drive-through	N	N	U	P
Fine Arts Class Instruction	P	P	P	P
Freight Transportation and Distribution	N	N	N	N
Hospitals, except clinics	N	N	U(S)	U(S)
Hotels and Motels (a)	N	U	P	P
Live-Work [Section 3-414]	P	P	P	P
Mini-Warehouse [Section 3-415]	N	N	N	N
Offices	P	P	P	P
Outdoor Storage of equipment, goods, or materials	N	N	N	N
Parking, Commercial				
Surface	N	N	U	U
Structure	N	N	U	U

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

MU-1 = Low – Medium Density District
MU-2 = Medium Density District
MU-3 = Medium – High Density District
MU-4 = High Density District (formerly MG district)

(a) Security plan required. See Appendix.

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4)

Uses	Districts			
	MU-1	MU-2	MU-3	MU-4
Photography Studio, except adult oriented businesses	P	P	P	P
Public Uses				
Civic facilities (e.g., post office, library, city office, customer serving)	P	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	N	N	N
Open space, parks, similar uses (See also, Schools)	P	P	P	P
Residential caretaker residence	P	P	P	P
Residential (all types)	P	P	P	P
Restaurants	P	P	P	P
Entertainment as accessory use (a)	U	U	U	P
Outdoor seating	P	P	P	P
With drive-in or drive-through [Section 3-408]	N	N	U	P
With liquor license (a)	P	P	P	p
Retail Sales:	P	P	P	P
Drive-through [Section 3-408]	N	N	U(S)	S
Outdoor retailing related to special sporting events, temporary	N	N	S	S
Pawn shops	N	N	N	N
Schools, Private & Charter: may include dormitories	U	U	U	U
Schools, Public	P	P	P	P
Services				
Personal or business (e.g. beauty, drycleaner)	P	P	P	P
Tattoo shops, body piercing facilities	N	N	U	U
With drive-through (e.g. dry cleaner) [Section 3-408]	N	S	S	S
Similar Uses: Any use similar to, and not more detrimental than the uses permitted herein, as determined by the Zoning Administrator, may be permitted [Section 6-301]	P	P	P	P
Tutoring/After School Learning Center	P	P	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)
Amateur Radio Antennas, 35 feet in height or less	P	P	P	P
Amateur Radio Antennas, over 35 feet in height	U	U	U	U

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

MU-1 = Low – Medium Density District
MU-2 = Medium Density District
MU-3 = Medium – High Density District
MU-4 = High Density District (formerly MG district)

(a) Security plan required. See Appendix.

CHAPTER 3 –USES PERMITTED IN OFFICE/INDUSTRIAL DISTRICTS

Section 3-301 Purpose and Applicability.

Section 3-302 Permitted Uses in Office/Industrial Districts.

Section 3-301 Purpose and Applicability.

- A. Purpose.** The office/industrial districts are designed to provide for office/industrial business involved in research, warehousing, wholesaling, and manufacturing. The facilities range from administrative and research institutions to assembly and production. The office/industrial districts allow a range of industrial uses, as expressed below.
- B. Applicability.** Industrial uses are accommodated in three districts:
1. Office Buffer District (OBD) (formerly known as IBD district). Administrative and research industries, offices, and limited manufacturing to provide opportunities for employment and for protection to neighborhood residential areas;
 2. Light Industrial District (LID) (formerly known as I-1 and 1-2 districts). Office uses, warehousing, wholesaling, assembling and manufacturing of building materials, machinery and other commodities to provide employment centers and production; and
 3. Heavy Industrial District (HID) (formerly known as I-3 district). Intensive manufacturing, fabricating, and storage to provide for concentrated industrial uses.
- C. Applicability of Other Code Chapters.** Uses permitted under this chapter shall conform to the development standards in Part 4 and the application procedures in Part 6, as applicable. Uses shall also conform to any overlay district requirements that are applicable. Uses permitted with special standards or limitations (“S” type uses) shall comply with the standards in Part 3, Chapter 4, Special Use Standards. Zoning Administrator opinions may also apply. See Appendix H.

Section 3-302 Permitted Uses in Office/Industrial Districts.

Table 2-302A identifies land uses according to permit status. See key below the table:

Table 3-302A Permitted Land Uses (OBD, LID, HID)			
Uses	Districts		
	OBD	LID	HID
Accessory Use	P	P	P
Adult Businesses [Section 3-403]	N	S	S
Animal Kennels, and Animal Hospitals	N	P	P
Auto Body Repair	N	P	P
Automobile Salvage	N	N	P
Ball Bearing, Boxes or Cabinets Manufacturing	N	U	P
Cement and Paving Material Mixing Plant	N	N	P
Chocolate, Cocoa or Coffee Roasting or Manufacturing	N	U	P
Clinics: General, Medical, Dental, and Veterinary	P	P	P
Computer Centers, including Computer Hotels and Similar Technology Facilities	P	P	P
Electronic Instruments and Devices, Assembling and Manufacturing	P	P	P
Exterminator and Insect Poison Manufacturing	N	N	P
Extraction of Sand, Gravel and Other Natural Resources	N	N	U
Farming, Landscaping and Agricultural Supplies and Equipment, Wholesaling and Storage	N	P	P
Foundry Casting Light-Weight, Nonferrous Metal, not Causing Noxious Odors or Fumes	N	U	P
Fuel Distributing Station, Gasoline (bulk plant)	N	U	P
Gasoline and Petroleum Bulk Storage Tanks	N	N	P
House-Movers, Equipment Storage or Wrecking Yards	N	N	P
Ice Manufacturing and Storage	N	U	P
Industrial, Scientific, or Business Research, Development and Testing Laboratories and Offices	P	P	P
Junkyards	N	N	P
Mini-Warehouse [Section 3-415]	N	U(S)	S
Mobile Home or Trailer – as a residence for a caretaker or operator employed on the premises. The residence may include the family of the caretaker.	U	U	U
Motion Picture Studios	P	P	P
Offices	P	P	P

Key:

P = Permitted

S = Permitted with special standards or limitations

U = Use permit required

N = Not permitted

OBD = Office Buffer District (formerly IBD district)

LID = Light Industrial District (formerly I-1, I-2 district)

HID = Heavy Industrial District (formerly I-3 district)

Table 3-302A Permitted Land Uses (OBD, LID, HID)

Uses	Districts		
	OBD	LID	HID
Residence – of a caretaker or operator employed on the premises; such residence may include the family of the caretaker	P	P	P
Retail Commercial Operations – directly related to the primary industrial use may be permitted, provided they do not exceed 15% of the primary industrial use.	N	P	P
Retail Uses – allowed in the commercial and mixed-use districts (except outdoor display) may be allowed with a use permit [Section 3-202]	N	U	U
Similar Use – any use similar to, and not more detrimental than the uses permitted herein, as determined by the Zoning Administrator, may be permitted upon [Section 6-301]	U	U	U
Stadium, Arenas	N	U	P
Temporary Construction Offices and Shed, Appurtenant Signs and Storage – incidental to a construction project only for the duration of such project, not to exceed 24 months	P	P	P
Warehouse	N	P	P
Wholesaling, Repairing, Storage, and Rental Activities – in conjunction with a permitted use	N	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)
Amateur Radio Antennas			
35 feet in height or less	P	P	P
Over 35 feet in height	U	U	U
Wood Products, Manufacturing	N	U	P

Key:

P = Permitted

S = Permitted with special standards or limitations

U = Use permit required

N = Not permitted

OBD = Office Buffer District (formerly known as IBD)

LID = Light Industrial District (formerly known as I-1, I-2)

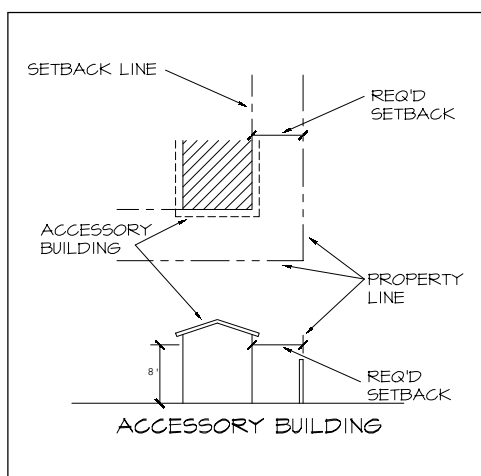
HID = Heavy Industrial District (formerly known as I-3)

CHAPTER 4 – SPECIAL USE STANDARDS

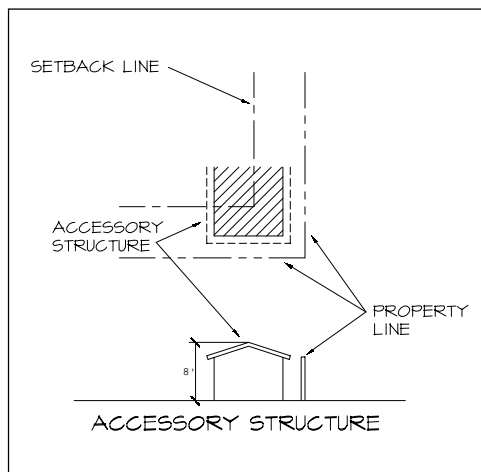
Section 3-401	Accessory Buildings, Uses and Structures.
Section 3-402	Accessory Dwellings.
Section 3-403	Adult-Oriented Businesses.
Section 3-404	Agricultural Uses.
Section 3-405	Bed and Breakfast.
Section 3-406	Boutique.
Section 3-407	Day Care, In Home 7-10 Children.
Section 3-408	Drive-Through Facilities.
Section 3-409	Group Homes for Adult Care, Disabled, and Child Shelter.
Section 3-410	Guest Room.
Section 3-411	Guest Quarters.
Section 3-412	Home Occupation.
Section 3-413	Hospitals, Sanitariums, Nursing Homes.
Section 3-414	Live-Work.
Section 3-415	Mini-Warehouse.
Section 3-416	Mobile Homes.
Section 3-417	Outdoor Retailing, Relating to Special Sporting Events.
Section 3-418	Outdoor Retail Display.
Section 3-419	Residential Sales Office, Temporary.
Section 3-420	Single-Family Residential Second Story Addition or Rebuild.
Section 3-421	Wireless Telecommunication Facilities.

Section 3-401 Accessory Buildings, Uses and Structures.

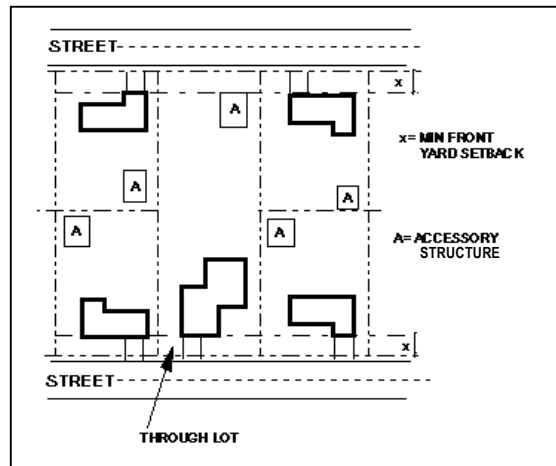
- A. Applicability.** Accessory buildings, uses and structures shall be incidental to the principal use. They must occupy less floor area, cover less lot area, and have a use that is secondary to the primary structure(s) and use(s) on the property. Buildings, structures (e.g., fence, carport, deck, etc.), and uses may all function as “accessory,” subject to the provisions below.
- B. Accessory Uses:** Buildings may be used for home occupations in reference to Section 3-412.
- C. Accessory Building.** Accessory buildings (e.g., sheds, workshops, etc.) shall not be used for sleeping or living purposes, shall not have cooking facilities, are limited to the height of the existing residence, and must meet the setbacks for the district.



- D. Accessory Structure.** An accessory structure shall be located no closer to the front property line than the front yard setback, be limited to a maximum one hundred twenty (120) s.f. in area, and shall be equal to or less than eight (8) feet in height; an accessory structure may encroach into the rear, side, and street side yard setback, provided that required separation for fire protection is provided and the following standards are met:



1. On a lot in the AG district, an accessory structure shall not be located closer than twenty (20) feet from rear and side property lines;
2. On a through lot, an accessory structure shall not be located closer to the rear property line than the distance required for front yard setback; and



3. On a residential lot in the AG district, a shelter for the keeping of animals or fowl may be erected to the maximum height allowable for the main building in that district, subject to the setback requirements in Section 3-401D.

Section 3-402 Accessory Dwellings.

Accessory dwelling units (ADUs) are permitted in the multi-family districts when a property contains a single-family residence, provided the following standards are met:

- A. **Use Permit.** Subject to approval of a use permit;
- B. **Building Codes.** Comply with applicable building codes and structural specialty codes;
- C. **One ADU per Lot.** A maximum of one (1) accessory dwelling unit is allowed per multi-family dwelling lot. Only accessory dwelling units shall be used for sleeping or living purposes;
- D. **Floor Area.** The maximum floor area of the accessory dwelling shall not exceed six hundred (600) square feet;
- E. **Development Standards.** Comply with the setback, building height, lot coverage, and other applicable development standards. The ADU does not count toward allowable density; and

- F. Infrastructure.** Sewer, water and utility services shall be provided to the dwelling in conformance with city standards.

Section 3-403 Adult-Oriented Businesses.

- A. Purpose.** It is recognized that there are some uses, which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to insure that these adverse secondary effects will not contribute to the blighting or downgrading of the existing surrounding neighborhood. These special regulations are itemized in this section. The purpose of the regulation is to promote the health, safety, and general welfare of the citizens of the city by preventing a concentration of these uses in any one area. It is not the intent of this Code to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Further, it is not the intent of this Code to permit any use or act, which is otherwise prohibited or made punishable by law.

Cross reference—See also the following definitions in Part 7 of this Code: adult-oriented business, adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult novelty store, adult service, adult service business, adult theater, adult video facility, escort, escort agency, nude model studio, nudity/state of nudity, sexual encounter center, specified anatomical areas and specified sexual activities.

City code reference—See TCC §16A-56, escort definitions and rules; TCC §16A-112 et seq., adult-oriented businesses.

- B. Locational Requirements.** Adult-oriented businesses are subject to the following:
1. Allowed in the LID and HID zoning districts, subject to the following location requirements:
 - a. No adult-oriented business shall be operated or maintained within one thousand (1,000) feet of another adult-oriented business; a church, synagogue, temple, or similar religious worship building; a child care facility, preschool, nursery, kindergarten or similar use; a public or private elementary or secondary school; a library; a public park; a public community building; a public or private recreational facility where minors are permitted;
 - b. No adult-oriented business shall be operated or maintained within one thousand (1,000) feet of an establishment having an Arizona spirituous liquor license with any of the following classifications: Bar (Series 06); Beer and Wine Bar (Series 07) or the equivalent of such licenses; and

- c. No adult-oriented business shall be operated or maintained within one thousand (1,000) feet of a boundary of a residential district as defined herein; or the property line of a lot devoted to a residential use in any zone.
 - 2. For the purpose of subsection 1 above, the distance limitations in shall be measured as the shortest horizontal line between the property lines of the relevant property involved. This measurement shall exclude any public right-of-way.
 - 3. Any adult-oriented business that fails to comply with this section but which was lawfully operating before City Code Chapter 16A Article VI, took effect shall not be deemed to be in violation of this article when the article takes effect. However, such business will not be permitted to be increased, enlarged, extended or altered except the business may be changed so as to fully comply with this article. An adult-oriented business lawfully operating is not rendered in violation of this Code by the location, subsequent to the grant or renewal of the license herein, of any of the premises identified in subsections 1 and 2 above. (Ord. No. 95.49, 12-14-95)
- C. Operational Requirements.** Any adult-oriented business shall comply with the following requirements, as well as those contained in Tempe City Code, Chapter 16A 112 through 135:
- 1. Security plan required;
 - 2. For the prevention of the spread of sexually transmitted disease, no partitions between subdivisions of a room, portion or part of a building, structure or premises may have an aperture which is designed or otherwise constructed to permit sexual activity between persons on either side of the partition; and
 - 3. No booths, stalls, or partitioned portions of a room, or individual rooms, used for the viewing of motion pictures or other forms of entertainment, shall have doors, curtains or portal partitions, but all such booths, stalls, partitioned portions of a room, or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment:
 - a. The words "booth, stalls, partitioned portions of a room or individual rooms" mean such enclosures as are specifically offered to the public or members of that establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is

dispensed for a fee, but a fee is not charged for mere access to the enclosure;

- b. The words "booths, stalls, partitioned portions of a room or individual rooms" do not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, and are not open to any persons other than employees;
- c. The words "doors, curtains or portal partitions" mean full, complete, nontransparent closure devices through which one cannot see or view the activity taking place within the enclosure; and
- d. The words "open to adjacent public room so that the area inside is visible to persons in the adjacent public room" shall mean either the absence of any "door, curtain or portal partition" or a door or other device which is made of clear, transparent material such as glass, plexiglass or other such material meeting building code and safety standards, extending from the floor to the top of the door frame, exclusive of the door or device framing itself, so that the activity inside the enclosure may be viewed or seen by persons outside the enclosure.

Section 3-404 Agricultural Uses.

Agricultural uses, as provided in subsections A-G, below, are permitted in the AG district and shall conform to the following standards:

- A. Farming.** Farming, including all types of agriculture and horticulture, such as flower and vegetable gardening, field crops, berry and bush crops, tree crops, and orchards, and their storage.
- B. Livestock.** The keeping of livestock, including cattle, horses, sheep, goats or similar animals except the keeping of swine. The number of such livestock permitted shall be calculated on the basis of one horse, cow or similar animal, or two (2) sheep, goats or similar animal for each six thousand (6,000) square feet of net lot area after deducting one-half (1/2) acre for the home site. The total aggregate of all such animals permitted shall be twenty-four (24). Animals of six (6) months or younger shall not be counted.
- C. Apiaries.** Apiaries, upon the following conditions:
 - 1. Occupied bee hives shall be at least two hundred (200) feet from any existing dwelling on another property;

2. Occupied bee hives shall have a minimum separation of fifty (50) feet to any property line; and
 3. Occupied beehives shall have a minimum separation of one hundred fifty (150) feet to any street or bridle path.
- D. Grazing.** The grazing and keeping of cattle, sheep or horses, except swine on a site of five (5) or more acres; including the supplementary feeding of such cattle, sheep, or horses, provided such grazing is not a part of, nor conducted in conjunction with any dairy or livestock sales yard located on the same premises.
- E. Processing of Farm Products.** Farming and processing of farm products, customarily conducted on farms, is permitted on a site of five (5) or more acres.
- F. Horse Ranch.** A commercial horse ranch may be permitted with a minimum net site of ten (10) acres or more.
1. The keeping of horses in the R1-15 and R1-10 district provided the following conditions are met:
 - a. The zoning for such property was in effect prior to 1/20/85;
 - b. The rear yard of site with R1-15 and R1-10 districts abuts property in the agricultural district and the conditions, covenants and restrictions of such agriculturally zoned property permits the keeping of horses;
 - c. The lots in the R1-15 and R1-10 districts are not less than thirty thousand five hundred (30,500) square feet in area;
 - d. The minimum distance from the rear of the dwelling unit to the rear property line is not less than two hundred (200) feet;
 - e. The lots in the R1-15 and R1-10 districts are located south of Elliot Road; and
 - f. The number of horses permitted shall be determined by following the criteria set forth in Section 3-404B.
- G. Dairy Farm.** A dairy farm may be permitted with a net site area of forty (40) acres or more.

Section 3-405 Bed and Breakfast.

Bed and breakfast use, where allowed with a use permit, shall conform to all of the following standards:

- A. **Accessory Use.** A bed and breakfast facility must be accessory to a residential use on the subject site. This means that the individual or family who operates the facility must occupy the dwelling as their primary residence.
- B. **Maximum Size.** Bed and breakfast facilities are limited to a maximum of five (5) bedrooms for guests and the maximum occupancy per night shall be established by use permit.
- C. **Employees.** Bed and breakfast facilities may have nonresident employees for the lodging activity such as booking rooms and food preparation, if approved as part of the use permit. Hired service for normal maintenance, repair and care of the residences or site such as yard maintenance may also be approved. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of the use permit approval.
- D. **Service to Guests.** Food services may only be provided to overnight guests of a bed and breakfast in residential districts. Food service may be provided to overnight guests and other guests in all mixed-use (MU) districts. Any other service is subject to the use requirements of the zoning district.
- E. **Meetings and Social Gatherings.**
 - 1. Commercial meetings – Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited at a bed and breakfast facility.
 - 2. Private social gatherings – The residents of bed and breakfast facilities may be allowed to have social gatherings, parties, or meetings if authorized in the use permit.

Section 3-406 Boutique.

Home, religious organization, or not-for-profit service organization boutiques, where permitted, shall conform to the following conditions:

- A. **Enclosed.** The boutique shall be carried on wholly within a dwelling unit, school (private), or a place of worship.
- B. **Products Sold.** The boutique shall primarily sell locally handcrafted items.
- C. **Operation.** The boutique shall operate for not more than any five (5) consecutive days in each one-half (1/2) calendar year at any one location. The activity shall be limited to the hours between 9:00 a.m. and 8:00 p.m.
- D. **Impacts.** There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare produced by the boutique. The activity shall not generate such additional

traffic and parking in the area of the boutique which would create a traffic or safety hazard.

- E. Signs.** All signs used by the boutique shall comply with this Code, Section 4-903C.
- F. Sales Tax.** The boutique shall comply with the applicable transaction privilege (sales) tax provisions of the Tempe City Code (TCC) §16-1 et seq.
- G. License.** The operator or sponsor of the boutique must apply for a city transaction privilege (sales) tax license a minimum of ten (10) days prior to the start of the boutique and obtain the license prior to conducting business.
- H. Violation.** Any violation of the above conditions shall cause the immediate revocation of the boutique's privilege to transact business within the city.

Section 3-407 Day Care, In Home 7-10 Children.

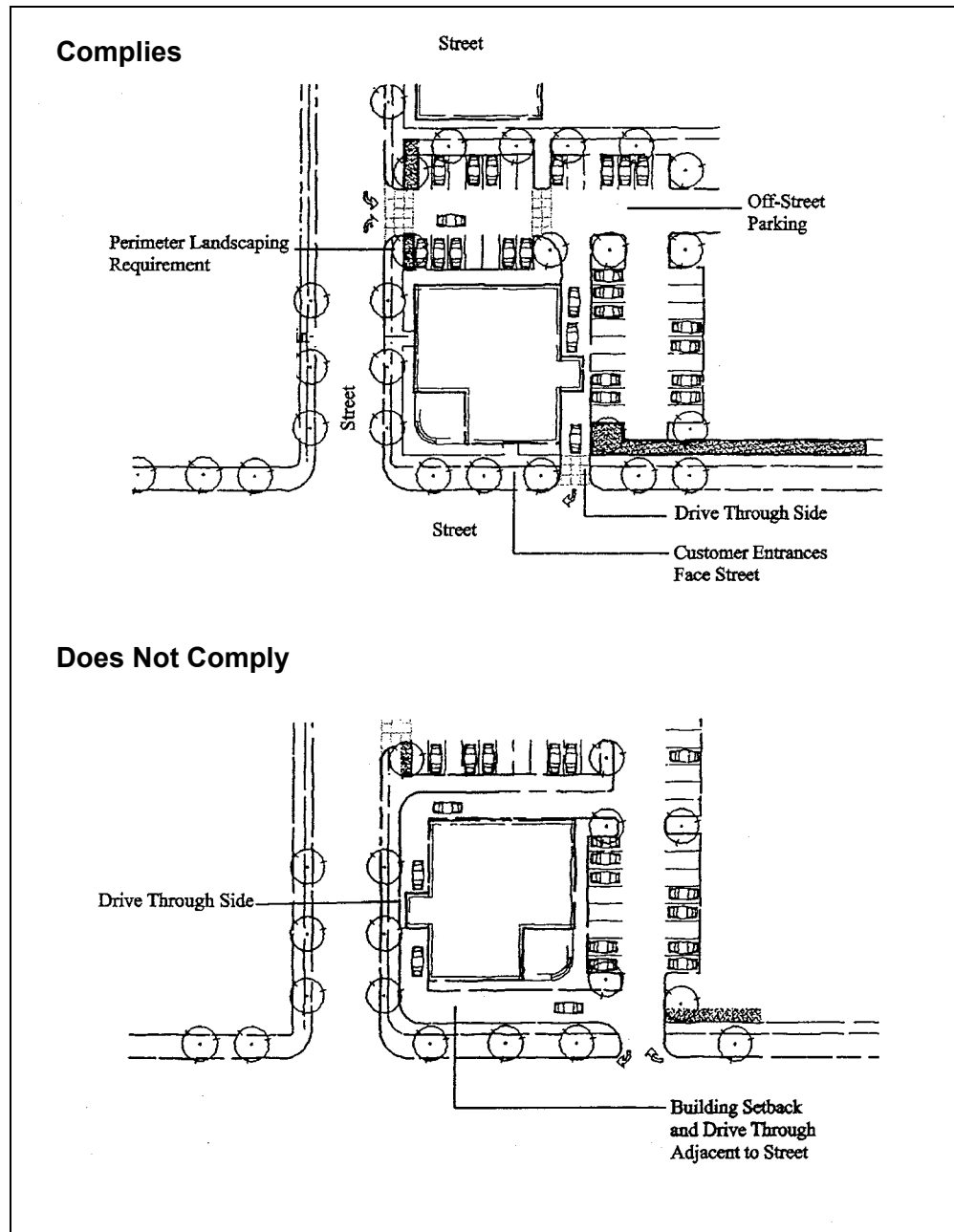
Home day care for seven (7) to ten (10) children shall require a use permit and comply with the following conditions:

- A. License and Certified.** Licensed, certified or approved by the State of Arizona; and
- B. Administrative Review.** Such home is reviewed and approved by the City of Tempe, Development Services Department, for current building code and land use code compliance; complying with state regulations related to the operation of day care facilities. See Arizona Revised Statutes, Division 43.

Section 3-408 Drive-Through Facilities.

New drive-through facilities shall be oriented toward side or rear yards and not placed between the street right-of-way and the primary customer entrance. Minimum width of drive-through lane is nine (9) feet.

Figure 3-408 Drive-Through Facilities Diagram



Section 3-409 Group Homes for Adult Care, Disabled, and Child Shelter.

Group homes for adult care, disabled, and child shelters shall comply with the following conditions:

- A. Distribution of Uses.** No such home or shelter is located on a lot within one thousand two hundred (1,200) feet, measured by a straight line in any direction, from the lot line of another group home;
- B. Occupancy.** The number of residents is limited by applicable state laws, including any minimum square footage requirement per person, but in no event shall the number of residents exceed ten (10);
- C. License.** Such home is licensed by, or certified by, or approved by, or registered with, funded by or through, or under contract or subcontract with, the State of Arizona. See Arizona Revised Statutes, Division 36; and
- D. Administrative Review Required.** Such home must be reviewed and approved by the Development Services Manager for building code and land use compliance prior to the use commencing.

Section 3-410 Guest Room.

A guest room or sleeping room for a single-family residence, shall provide occupancy for not more than two (2) persons, but in which no provision is made for cooking and does not include dormitories for sleeping purposes. All points of ingress or egress to such room shall be located through the main residence of which such room is an integral part; this excludes doors opening to patios or balconies that are part of the main residence.

Section 3-411 Guest Quarters.

Guest quarters shall not be rented or leased, or separate from the main building. Such quarters shall be attached to the main building, carport or garage, or connected by a breezeway with a maximum distance of twenty-four (24) feet with a minimum width of eight (8) feet and shall be connected by the same roof structure. Guest quarters may provide cooking facilities.

Section 3-412 Home Occupation.

Home occupations are permitted subject to administrative review to allow small commercial ventures for which the leasing of commercial quarters is not cost effective and which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are permitted in all residential dwellings as an accessory use (see Section 7-102 for definition), subject to the following standards to protect the residential character of Tempe's neighborhoods:

A. Appearance of Residence.

1. The home occupation shall be restricted to lawfully-built enclosed buildings and be conducted in such a manner as not to give an outward appearance of a business;
2. The home occupation shall not result in any structural alterations or additions to a building that will change its primary use or building code occupancy classification;
3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval);
4. Products and or equipment produced or used by the home occupation shall not be displayed or visible from outside any building; and
5. No offensive noise, vibrations, smoke, dust, odors, heat or glare shall be produced.

B. Storage.

1. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
2. Inventory, products, equipment, fixtures, and activities associated with the home occupation shall be allowed in any building, provided that the building conforms to the provisions under Section 3-412A, Appearance of Residence.

C. Employees.

1. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one (1) full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term home occupation site means the lot on which the home occupation is conducted.
2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Advertising and Signs. Home occupations may display address numerals and an identification sign no more than one (1) square foot in size in accordance with Section 4-902, related to signs permitted with residential uses.

E. Vehicles, Parking and Traffic.

1. Vehicles associated with the home occupation must comply with TCC Section 21-4.
2. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 10 p.m. to 7 a.m.
3. There shall be no more than one (1) client or customer vehicle on the premises at any one (1) time and the activity shall not generate traffic beyond that normal in its district.

F. Business Hours. Clients or customers are permitted at the home occupation from 7 a.m. to 10 p.m. only.**G. Prohibited Uses:** A home occupation shall not include the sale of commodities on premises nor the following: clubs, barber shops, beauty parlors, commercial stables, veterinary offices, hospitals, hotels, motels, kennels, restaurants, motor vehicle repairing, massage parlors, and any use that does not conform to the provisions in Section 3-412A-F.**Section 3-413 Hospitals, Sanitariums, Nursing Homes.**

Any building used for one (1) or more of the following uses shall be not less than fifty (50) feet from the lot line of any adjoining property: Hospitals or sanitariums for the treatment of human ailments, nursing or convalescent homes, orphanages, and institutions for the mentally disabled, epileptic, drug or alcoholic patients; homes for the aged, without cooking facilities in individual dwelling units; and related institutions of an educational, religious, or philanthropic nature.

Section 3-414 Live-Work.

Live-work is permitted in all mixed-use (MU) districts and in the CC and R/O districts, and is permitted with a use permit in the PCC-1, PCC-2, and all multi-family districts. Live-work is permitted to provide a housing and employment option that is transportation efficient and low-impact on adjacent neighborhoods. Live-work uses are subject to the standards for home occupations in Section 3-412, with the following exceptions:

- A. Employees.** Two (2) full time equivalent employees, in addition to the family members residing in the dwelling, may work on premises;
- B. Signs.** Signs are permitted that do not exceed two (2) square feet of combined area for all signs (wall, portable, blade, etc.), and comply with the standards for commercial use signs in 4-902.

- C. Vehicles, Parking and Traffic.** All live-work units in the MU-1, MU-2, MU-3, MU-4 and CC, PCC-1 and PCC-2 districts are exempt from the standards in Section 3-412E. All live-work units in multi-family districts (R-2, R-3, R-3R, R-4, and R-5) shall comply with Section 3-412E.

Section 3-415 Mini-Warehouse.

Mini-warehouses are for storage purposes only. No retailing is permitted from these facilities.

Section 3-416 Mobile Homes.

- A. Access.** A minimum of two (2) vehicular entrances shall be provided for each mobile home park, mobile home subdivision, and trailer park development. One (1) entrance may be kept closed to the general public if provision is made for emergency access and if this entrance is not necessary to accommodate the volume of traffic generated by uses on the site.
- B. Perimeter Walls.** Perimeter boundaries of all mobile home parks, mobile home subdivisions and trailer parks shall have a perimeter wall with a minimum height of eight (8) feet, measured from the highest adjacent grade within twenty (20) feet. The wall shall be of masonry or concrete construction, with architectural texture, finish, and color to be compatible with other buildings in the vicinity. The perimeter wall shall be designed to create an attractive appearance, incorporating elements such as recesses, piers, pilasters, contrasting courses and texture. The area between the wall and the public street shall be landscaped, and the wall may contain pedestrian access gate(s), which shall remain unlocked and allow police and emergency access from the street, as approved through development plan review. Street frontage landscape areas of mobile home and trailer park developments shall be maintained by the mobile home or trailer park operators.

Section 3-417 Outdoor Retailing, Relating to Special Sporting Events.

Refer to Section 6-309L. Exceptions and Special Use Permit Provisions, for regulations on outdoor retailing, relating to special sporting events.

Section 3-418 Outdoor Retail Display.

- A. Purpose.** The purpose of this section is to allow a business or tenant to display an incidental amount of merchandise adjacent to the exterior of a building.
- B. Applicability.** Outdoor displays are allowed in the CC district only, subject to the following regulations:

1. Displays are prohibited in city right-of-way, except in the CC district subject to an encroachment permit or lease;
2. Displays shall not occupy required parking areas, pedestrian paths, landscaped areas, or vehicular driveways (including fire lanes);
3. Displays shall be located within three (3) feet of the business space;
4. Any display must allow for a minimum six (6) foot wide pedestrian path across the building frontage and to and from all building entrances and exits;
5. Displays are limited to the normal hours of operation;
6. Solid display structures are limited to four (4) feet in height and total display area shall not obscure more than twenty five percent (25%) of window area;
7. Display merchandise shall be the same as that sold inside the store;
8. Sales demonstrations are allowed without amplification;
9. Point of display signage shall not exceed a total of three (3) square feet; and
10. Transaction of display items shall be made inside the place of business.

Section 3-419 Residential Sales Office, Temporary.

Temporary residential sales offices are permitted for the sale of homes being constructed on the premises and for a period not exceeding twenty-four (24) months. Extension of this time requires approval by the Hearing Officer or Board of Adjustment who shall find that the office meets the standards of this section and a hardship exists warranting the extension that is beyond the applicant's control. The residential sales office is subject to the following conditions:

- A. **Location.** Temporary residential sales offices may be located in a building designed as a dwelling unit or in a modular office building located on the site.
- B. **Temporary Occupancy Permit.** Prior to use of the premises as a temporary residential sales office, a temporary occupancy permit shall be obtained from the Development Services Manager.
- C. **Conversion and Final Approval of Dwelling.** Prior to the sale of any dwelling that has been used as a temporary residential sales office, the dwelling shall be restored to comply with all applicable codes and ordinances, and final approval obtained from the Development Services Department.

Section 3-420 Single-Family Residential Second Story Addition or Rebuild.

A second story addition to a single-family dwelling, or a replacement of one (1) story single-family dwelling with a dwelling of two (2) or more stories, is allowed with a use permit. This section shall not apply to replacement dwellings where the dwelling previously occupying a lot was demolished prior to the effective date of the zoning ordinance.

Section 3-421 Wireless Telecommunication Facilities.

- A. Towers:** Wireless telecommunications towers and related equipment facilities shall be allowed upon approval with a use permit.
- B. Building Mounted:** Building mounted telecommunications (WTFs) shall be integrated into the design of the building or be fully screened, and in either case must receive development plan approval as a building modification. Satellite dishes not exceeding two (2) feet in diameter shall be permitted in any zone. Building mounted dishes shall require administrative review, except for residential uses. Building mounted dishes greater than two (2) feet in diameter are permitted in commercial, mixed-use, and office/industrial districts and shall require a use permit.
- C. Co-location:** WTFs may be co-located, subject to administrative review. Any addition to the existing height or change in appearance of the tower to facilitate co-location shall require a use permit. WTFs attached to existing light, power or telephone poles require a use permit.
- D. Application Requirements.** An applicant for a new WTF (use permit or administrative review) shall submit the following information:
 - 1. Use permit application, including a development plan, when applicable.
 - 2. For towers, monopoles, and similar proposals, a visual study containing, at a minimum, a vicinity map depicting where, within a one-half (1/2) mile radius, any portion of the proposed WTF could be visible, and a graphic simulation showing the appearance of the proposed tower and accessory structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation measures. Such points are to be mutually agreed upon by the Development Services Manager and the applicant.
 - 3. Documentation of the steps that will be taken to minimize the visual impact of the proposed WTF.
 - 4. A landscape plan drawn to scale that is consistent with the need for screening at the site. Any existing vegetation that is to be removed must be clearly indicated and provisions for mitigation included where appropriate.
 - 5. A feasibility study for the co-location of telecommunication facilities as an alternative to new structures. The feasibility study shall include:

- a. An inventory, including the location, ownership, height, and design of existing WTFs within one-half (1/2) mile of the proposed location of a new WTF. The Development Services manager, Hearing Officer, or Board of Adjustment may share such information with other applicants seeking permits for WTFs, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
 - b. Applicant shall document efforts made to co-locate on existing towers. Each applicant shall make a good faith effort to contact the owner(s) of existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form and content of such contact. Co-location shall not be precluded simply because a fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. Co-location costs exceeding new tower development are presumed to be unreasonable.
6. The Development Services Manager may request any other information deemed necessary to fully evaluate and review the application and the potential impact of a proposed tower and/or antenna.

E. Abandoned Tower/Antenna.

1. The wireless telecommunication tower/antenna shall be removed within thirty (30) days of discontinuance of the tower/antenna's use.

CHAPTER 5 – NON-CONFORMING SITUATIONS

Section 3-501 Purpose.

Section 3-502 General Provisions.

Section 3-503 Legal Non-Conforming Development.

Section 3-504 Legal Non-Conforming Use.

Section 3-505 Discontinuance of a Legal Non-Conforming Use.

Section 3-506 Damage to a Legal Non-Conforming Development.

Section 3-507 Legal Non-Conforming Lots of Record.

Section 3-501 Purpose.

The purpose of this section is to allow non-conforming uses and developments to continue, but not to encourage their perpetuation; and ultimately bring development and uses into conformance with this Code.

Section 3-502 General Provisions.

- A. Legal Non-Conforming Uses and Non-Conforming Developments.** Nothing in this Code shall affect existing property or the right to its continued use for the purpose used at the time the Code takes effect, nor to any reasonable repairs or alterations in buildings or property used for such legal existing purpose.
- B. Approved Projects.** Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building for which a building permit has been lawfully issued prior to the effective date of adoption or amendment of this Code.

Section 3-503 Legal Non-Conforming Development.

All developments may be maintained but shall not be re-erected, relocated, or replaced unless brought into compliance with this Code.

Section 3-504 Legal Non-Conforming Use.

A non-conforming use may be expanded or enlarged to an extent not exceeding twenty-five percent (25%) of the land area or building floor area devoted to the use at the time it became non-conforming. Such expansion shall require a use permit.

Section 3-505 Discontinuance of a Legal Non-Conforming Use.

Whenever a non-conforming use has been abandoned or ceases to exist for a period in excess of one (1) year, such use shall not thereafter be re-established. For purposes of this Code, rental payments or lease payments and taxes shall not be considered as a continued use.

Section 3-506 Damage to a Legal Non-Conforming Development.

If a non-conforming development is damaged by any means to an extent exceeding fifty percent (50%) of its most recent, pre-damage valuation, as determined by a qualified appraiser, and as approved by the Development Services Manager, any repair, replacement, or reconstruction of that development on the site shall conform to the requirements of the district in which it is located.

Section 3-507 Legal Non-Conforming Lots of Record.

A legal, non-conforming lot, existing at the time of adoption of this Code, may be developed with a use permitted in the district for which the lot is zoned, subject to complying with the current standards of that district except for, lot size, width and depth.

PART 4 – DEVELOPMENT STANDARDS

Chapter 1 – Development Standards Administration

Chapter 2 – General Development Standards

Chapter 3 – Public Infrastructure

Chapter 4 – Building Design

Chapter 5 – Access and Circulation

Chapter 6 – Parking

Chapter 7 – Landscape & Walls

Chapter 8 – Lighting

Chapter 9 – Signs

CHAPTER 1 – DEVELOPMENT STANDARDS ADMINISTRATION

Section 4-101 Purpose and Applicability.

Section 4-102 General Regulations and Approval Criteria.

Section 4-103 Reference to Other Design Guidelines and Standards.

Section 4-101 Purpose and Applicability.

- A. Purpose.** Part 4 provides standards for development density, height, setbacks, lot coverage, building design, parking, landscape, access and circulation for pedestrians and vehicles, signs, lighting, and infrastructure. The intent of these regulations is to conserve and enhance design character and aesthetic values throughout the city; support crime prevention and safety including accessibility for persons with disabilities; and provide multi-modal transportation options for the general public.
- B. Applicability.** Unless otherwise noted, all uses and developments shall conform to Part 4, Development Standards.

Section 4-102 **General Regulations and Approval Criteria.**

- A. **Commencement of Use or Development.** A development shall not be constructed, or a use commenced, except after its applications or plans are approved by the city in conformance with this Code.

- B. **Exceptions to Part 4.** Exceptions to a standard require approval of a variance under Section 6-310.

- C. **Conformance to Approved Plans Required.** Any expansion of building or use, or development of land, shall conform to plans approved under Part 6. When an approval under Part 6 is required, the city may not issue a building permit, electrical permit or a mechanical permit for the project until the approval has been granted.

- D. **Completion or Bonding Prior to Occupancy Permit.** Prior to issuance of an occupancy permit, all required improvements shall be installed in accordance with plans approved by the Development Services Department. Alternatively, the Development Services Department may accept a cash deposit, bond or an irrevocable letter of credit in an amount guaranteeing the complete installation of the required improvement(s) within six (6) months. Failure to install the required improvement(s) shall result in the forfeiture of the deposit, bond, or letter of credit, and be deemed a violation of this Code.

- E. **Maintenance.**
 - 1. The owner or owner's association, or the lessee of the site, as applicable, shall maintain the development and property in conformance with the plans approved by the city. Any deterioration shall be considered a violation of this Code and any applicable ordinances.

 - 2. Any landscape feature required in this section that does not survive, function properly, or is in need of repair, shall be replaced within thirty (30) days of its demise or damage. The Development Services Manager may approve an extension when requested in writing, based on conflicts arising from construction activity, seasonal availability of materials, or a similar hardship.

 - 3. Landscape features, lighting, walls, screening devices or other features installed in conformance with Part 4 of this Code shall not be modified or removed without prior approval by the Development Services Manager. The removal or destruction of such features without prior approval by the Development Services Manager shall constitute a violation of this Code. In such case, the owner shall be required replace said feature(s) with those of like size and quality, or alternate material may be approved by the Development Services Manager.

 - 4. Improvements required under Part 4 of this Code shall be reasonably maintained.

5. Plant material and trees shall be pruned to promote a healthy growth pattern, natural characteristic form, and shade.
6. The lack of maintenance shall constitute a violation of this Code, penalties for which are provided in Section 1-201.

Section 4-103 Reference to Other Design Guidelines and Standards.

- A. **Overlay Districts.** The overlay district design and development standards contained in Part 5 are also applicable within overlay districts. When conflicts occur between the standards in Part 5 and Part 4, the standards in Part 5 shall apply.
- B. **Design Guidelines.** The Appendix contains design guidelines that supplement the standards under Chapter 4, Building Design; Chapter 5, Access and Circulation; Chapter 6, Parking; Chapter 7, Landscape and Walls; and Chapter 8, Lighting. The guidelines are intended to be flexible and encourage creativity in design. Where conflicts exist between the guidelines and specific Code standards, the Code standards shall take precedence over the guidelines; the Development Services Manager has the authority to make interpretations to resolve such conflicts.

CHAPTER 2 – GENERAL DEVELOPMENT STANDARDS

Section 4-201 Purpose and Applicability.

Section 4-202 Development Standards for Residential Districts.

Section 4-203 Development Standards for Commercial and Mixed-Use Districts.

Section 4-204 Development Standards for Office/Industrial Districts.

Section 4-205 Exceptions.

Section 4-201 Purpose and Applicability.

This chapter provides general standards for development density, building height, lot coverage, setbacks and clear vision areas for all of the base zoning districts. General development standards for Tempe's overlay districts are provided in Part 5.

Section 4-202 Development Standards for Residential Districts.

Tables 4-202A, 4-202B, and 4-202C, respectively, provide the development standards for Tempe's single-family residential and agricultural districts, multi-family residential districts, and mobile home districts.

Table 4-202A – Development Standards in Agricultural and Single-Family Districts(1)

Standard	AG	R1-15	R1-10	R1-8	R1-7	R1-6	R1-5	R1-4	R1-PAD
Density (DU/Acre)	1	2.40	2.80	3.35	3.75	4	6	8	NS
Minimum Net Site Area (square feet) per Dwelling	43,560 sf	15,000 sf	10,000 sf	8,000 sf	7,000 sf	6,000 sf	5,000 sf	4,000 sf except 3,000 sf for common wall	NS
Minimum Lot Width (feet)	115 ft	115 ft	90 ft	80 ft	70 ft	60 ft	NS	NS	NS
Minimum Lot Length (feet)	150 ft	120 ft	100 ft	100 ft	100 ft	100 ft	NS	NS	NS
Maximum Height (feet)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	35 ft	NS
Maximum Lot Coverage (% of net site area)	25%	45%	45%	45%	45%	45%	NS	NS	NS
Setback (feet) (c): [See Setback Exceptions, Section 4-205B]									
Front - Building	40 ft	35 ft	30 ft	20 ft	20 ft	20 ft	20 ft	15 ft except 20 ft for garage	NS
Front - Porch	35 ft	30 ft	25 ft	15 ft	15 ft	15 ft	15 ft	10 ft	NS
Side	20 ft	15 ft	10 ft	7 ft	7 ft	5 ft	5 ft	5 ft (a)	NS
Rear	35 ft	30 ft	25 ft	20 ft	15 ft	15 ft	15 ft	15 ft	NS
Street Side (b)	25 ft	20 ft	15 ft	10 ft	10 ft	10 ft	10 ft	10 ft	NS

NS= No Standard.

(1) An overlay district may modify the above standards. See Part 5.

(a) 0 feet for common wall.

(b) Street side yard setback for corner lots adjacent to key lots shall be increased by 10 additional feet.

(c) See also, Section 3-401 for setbacks applying to accessory structures and buildings.

Table 4-202B – Development Standards in Multi-Family Districts (1)

Standard	R-2	R-3R	R-3	R-4	R-5
Density (DU/acre)	10	15	20	25	30
Minimum Site Area/Dwelling Unit (square feet)	3,600 sf	2,900 sf	2,180 sf	1,740 sf	1,450 sf
Building Height					
Building Height Maximum (feet)	30 ft	30 ft	30 ft	40 ft	50 ft
Building Height Step-Back Required Adjacent to R1 District, [Section 4-404, Building Height Step-Back]	No	No	No	Yes	Yes
Maximum Lot Coverage (% of net site area)	45%	45%	50%	60%	70%
Minimum Landscape Area (% of net site area)	30%	30%	25%	25%	25%
Setbacks (feet) (b): [See Setback Exceptions, Section 4-205B]					
Front					
Building	20 ft	20 ft	20 ft	20 ft	20 ft
Open Structures (e.g. porch, trellis, patio wall)	15 ft	15 ft	15 ft	15 ft	15 ft
Side					
Building Walls	10 ft	10 ft	10 ft	10 ft	10 ft
Porch, Balcony, Patio Wall	5 ft	5 ft	5 ft	5 ft	5 ft
Common Walls	0 ft	0 ft	0 ft	0 ft	0 ft
Rear					
Building Wall, Porch, Balcony, or Patio Wall	15 ft	15 ft	15 ft	10 ft	10 ft
Common Walls	0 ft	0 ft	0 ft	0 ft	0 ft
Street Side (a)	10 ft	10 ft	10 ft	10 ft	10 ft

NS= No Standard.

(1) An overlay district may modify the above standards. See Part 5.

(a) Street side yard setback for corner lots adjacent to key lots shall be increased by 10 additional feet.

(b) See also, Section 3-401 for setbacks applying to accessory structures and buildings.

Table 4-202C – Development Standards in Mobile Home Districts (1)

Standard	R M H	MHS	T P
Density (DU/Acre)	7	5.5	14
Minimum Net Lot Area (square feet)	Rental Space 3,500 sf	Subdivision Lot 6,000 sf	Rental Space 1,500 sf
Minimum Common Recreation Area per Dwelling (square feet)	400 sf	NS	100 sf
Minimum Space/Lot Width (feet)	50 ft	60 ft	30 ft
Minimum Space/Lot Length (feet)	70 ft	100 ft	55 ft
Maximum Height (feet)	30 ft	15 ft	30 ft
Maximum Lot Coverage per Rental Space or MHS Lot (b)	60%	50%	60%
Minimum Yard Setback (feet)			
Front (a)	5 ft	25 ft	10 ft
Side (a)	5 ft	7 ft	5 ft
Rear (a)	5 ft	15 ft	5 ft
Street Side (a)	20 ft	10 ft	20 ft

NS= No Standard.

(1) An overlay district may modify the above standards. See Part 5.

- (a) The minimum yard setback in the above chart means the minimum distance of any portion of the mobile structure and accessory structures from the rental lot lines or individual property lines. See also, Section 3-401, setbacks for accessory structures and buildings.
- (b) For the purposes of these districts, maximum lot coverage shall include all carports, patio covers and accessory buildings, and similar structures.

Section 4-203 Development Standards for Commercial and Mixed-Use Districts.

Tables 4-203A and 4-203B, respectively, provide the development standards for commercial districts and mixed-use districts.

Table 4-203A – Development Standards in Commercial Districts (1)

Standard	R/O	CSS (2)	CC	PCC-1	PCC-2	RCC
Residential Density (DU/acre)	10	0	NS	20 (U)	25 (U)	0
Building Height						
Building Height Maximum	30 ft	30 ft	65 ft	35 ft	40 ft	75 ft
Building Height Step-Back Required Adjacent to R1 District, [Section 4-404, Building Height Step-Back]	No	No	No	Yes	Yes	No
Maximum Lot Coverage (% of net site area)	35%	50%	NS	50%	50%	50%
Minimum Landscape Area (% of net site area)	30%	15%	NS	15%	15%	15%
Setbacks (a) [See also, Setback Exceptions, 4-205]						
Front	15 ft	0 ft	0 ft	0 ft	0 ft	25 ft
Side						
Building Wall	10 ft	0 ft	0 ft	30 ft	30 ft	25 ft
Common Wall	10 ft	0 ft	0 ft	0 ft	0 ft	25 ft
Rear – Building Wall	10 ft	10 ft	0 ft	30 ft	30 ft	25 ft
Street Side	10 ft	0 ft	0 ft	0 ft	0 ft	25 ft

NS = No Standard. (U) = Denotes use permit requirement in those districts.

(1) An overlay district may modify the above standards. See Part 5.

(2) CSS district formerly known as CCR, C-1 and C-2 districts.

(a) See also, Section 3-401 for setbacks applying to accessory structures and buildings.

Table 4-203B – Development Standards in Mixed-Use Districts (1)

Standard	MU-1	MU-2	MU-3	MU-4 (2)
Residential Density (DU/acre)	10	20	30	NS
Building Height (feet)				
Building Height Maximum	35 ft	40 ft	50 ft	NS
Building Height Step-Back Required Adjacent to R1 District [Section 4-404, Building height step-back]	Yes	Yes	Yes	Yes
Maximum Lot Coverage (% of net site area)	50%	60%	70%	NS
Minimum Landscape Area (% of net site area)	NS	NS	NS	NS
Setbacks (feet) (a) [See Setback Exceptions, Section 4-205B]				
Front – Building Wall	0 ft	0 ft	0 ft	0 ft
Side – Building Wall	5 ft	5 ft	5 ft	5 ft
Street Side	0 ft	0 ft	0 ft	0 ft
Rear	10 ft	10 ft	10 ft	10 ft

NS= No Standard.

(1) An overlay district may modify the above standards. See Part 5.

(2) MU-4 district formerly known as MG district.

(a) See also, Section 3-401 for setbacks applying to accessory structures and buildings.

Section 4-204 Development Standards for Office/Industrial Districts.

Tables 4-204 provides the development standards for Tempe's office/industrial districts.

Table 4-204 – Development Standards in Office/Industrial Districts (1)			
Standard	OBD (2)	LID (3)	HID (4)
Building Height (feet)			
Building Height Maximum	30 ft	35 ft	40 ft
Building Height Step-Back Required Adjacent to R1 District [Section 4-404, Building Height Step-Back]	Yes	Yes	Yes
Maximum Lot Coverage (% of net site area)	40%	NS	NS
Minimum Landscape Area (% of net site area)	10%	10%	10%
Setbacks (feet) (a) [See Setback Exceptions, Section 4-205B]			
Front	30 ft	25 ft	25 ft
Side	10 ft	0 ft	0
Rear	10 ft	0 ft	0
Street Side	30 ft	25 ft	25 ft

NS= No Standard

(1) An overlay district may modify the above standards. See Part 5.

(2) OBD district formerly known as IBD district.

(3) LID district formerly known as I-1 and I-2 districts.

(4) HID district formerly known as I-3 district.

(a) See also, Section 3-401 for setbacks applying to accessory structures and buildings.

Section 4-205 Exceptions.

A. Increased Height. The following structures may extend above the maximum building heights provided in Sections 4-202 through 4-204:

1. Spires, crosses, belfries, cupolas, clock towers, or similar architectural features, attached to a building or free-standing, shall be no taller than twice the height of the tallest building on site, as measured from the curb elevation.
2. Penthouses or roof structures for the use of elevators, stairs, tanks, ventilation, or similar equipment required to ventilate the building, as well as fire or parapet walls, skylights, towers, chimneys, and necessary mechanical appurtenances, may be built above the height limits herein prescribed, but in no case shall structures above the permitted height limit be constructed for the purpose of providing additional floor space. See also, Section 4-405, Mechanical Equipment.
3. A flagpole may extend no more than thirty-five (35) feet maximum height whether ground mounted or mounted on buildings. The height shall be measured from grade at the base of the pole, or building as applicable.

B. Setbacks. The following architectural features are allowed to encroach into the setback yards:

1. Eaves, chimneys, bay windows, overhangs and similar architectural features, as determined by the Zoning Administrator, may encroach into setbacks, provided that applicable building codes are met.
2. An accessory structure may encroach into the standard rear and side yard setback, provided that required separation requirements for fire protection are provided through applicable building codes and the standards contained in Section 3-401 are met.

CHAPTER 3 – PUBLIC INFRASTRUCTURE

Section 4-301 Purpose and Applicability.

Section 4-302 General Requirements for Public Improvements.

Section 4-303 Transportation Improvements.

Section 4-304 Sanitary Sewer, Storm Drainage and Water System Improvements.

Section 4-305 Private Utilities Coordination.

Section 4-301 Purpose and Applicability.

- A. Purpose.** The purpose of Chapter 3 is to ensure the timely provision of adequate infrastructure, and promote orderly and efficient growth consistent with the Tempe General Plan.
- B. Applicability.** This Code provides general requirements for transportation, sanitary sewer, water, and storm drainage system improvements. Conformance with the City of Tempe Public Works Department Standard Details and related standards is also required of new development projects.

Section 4-302 General Requirements for Public Improvements.

- A. Conformance With Public Facility Standards.** Development plans, when required to establish a new use or development, shall conform to the general standards contained in this section, prior to the city granting land use or development approval. Public improvement design and construction, including sanitary sewer, water, storm drainage facilities, transportation facilities, street lights, public parks, or other improvements shall not be undertaken except after the appropriate plans have been approved by the city, permit fees paid, and permit issued. The design standards are described in the City of Tempe Public Works Department Standard Details. Construction standards are the Maricopa Association of Governments (MAG) standards with City of Tempe supplements.
- B. Impact Analysis.** The city or other agency with jurisdiction may require an impact analysis prepared by a qualified engineer to determine sanitary sewer system, water system, storm drainage system, traffic, access, circulation and other public facility mitigation requirements.
- C. Conditions of Approval.** The city may conditionally approve a land use or development application to ensure that the proposed development complies with applicable standards. Public facility improvements required as a condition of approval (i.e., when not otherwise proposed by the applicant), shall be roughly

proportional to the impact of development and follow the Public Improvements (Exactions) Policy contained in the City of Tempe Public Works Department Standard Details.

- D. Construction Plan Review and Permitting.** Public facility improvements (i.e., improvements to be dedicated to the City of Tempe) shall require a construction permit subject to review and approval by the City Engineer prior to commencing work.

Section 4-303 Transportation Improvements.

- A. Purpose.** The purpose of this section is to ensure that new developments and redevelopment projects provide for a safe, attractive and functional transportation system that is accessible and accommodates all modes of transportation (automobiles, walking, bicycling, and transit) in conformance with the Comprehensive Transportation Plan.
- B. Street Access.** All developments shall have approved access to a public street, in conformance with the provisions of Chapter 5, Access and Circulation.
- C. Street Layout and Design.** The layout and design of streets and alleys shall conform to the Comprehensive Transportation Plan, the design standards and cross-sections contained in the City of Tempe Public Works Standard Details and the City of Tempe Pedestrian and Bicycle Facility Design Guidelines.
- D. Dedications.** Required dedications shall conform to the following half-street dimensions:
1. Public Streets.
 - a. Arterial streets – fifty-five (55) feet;
 - b. Mid-section line, industrial and commercial collectors – thirty-three (33) feet;
 - c. Residential collectors and local multi-family, commercial and industrial streets – thirty (30) feet; and/or
 - d. Local residential streets – twenty-five (25) feet.
 2. Private Streets. Minimum twelve and one half (12 ½) feet.
- E. Connectivity.** To promote efficient circulation, accessibility, and neighborhood traffic calming, the design of new streets and street connections shall conform to the following maximum block length standards:
1. Commercial and Mixed-Use Districts: Six hundred (600) feet.

2. Residential Districts: One thousand two hundred (1,200) feet.
3. Office/industrial Districts: One thousand two hundred (1,200) feet.

The maximum block length may be increased by the Development Services Manager if the site conditions, or, the proposed development and use of the site make a shorter block length impracticable, and that other provisions are made for pedestrian and bicycle circulation. Appropriate provisions shall include, but are not limited to a safe, direct, and ADA accessible pedestrian access way being provided through the site, in conformance with the standards in Chapter 5, Access and Circulation.

F. Neighborhood Accessibility and Traffic Calming. Proposed streets, street extensions, driveways, and pedestrian access ways shall be designed and located to slow traffic on local streets between residential neighborhoods and existing or planned commercial services and amenities, such as schools, shopping areas, parks, and transit facilities. Traffic calming features may also be required for the circulation systems and street access points of larger developments. Traffic calming measures, such as curb extensions, traffic circles, roundabouts, and special paving at intersections, shall conform to the City of Tempe Public Works Standard Details, Pedestrian and Bicycle Facility Design Guidelines, and emergency service provider requirements. Streets, driveways and pedestrian access ways also conform to the Americans with Disabilities Act (ADA).

G. Transit Facilities.

1. Bus pull-outs, shelter pads, shelters, and related right-of-way and easements may be required when a development is adjacent to an existing or planned bus stop or transit station. These facilities shall be integrated into the overall pedestrian plan of a project, and designed consistent with the City of Tempe Public Works Standard Details and Pedestrian and Bicycle Facility Design Guidelines.
2. Pedestrian walkways shall be designed to provide a direct connection between the main building entrance and public sidewalks and transit stops. Landscape plans shall be designed to provide shading of the pedestrian walkways and transit stops, where applicable.
3. Bus stop locations shall be subject to review and approval by the Public Works Manager.
4. Furniture installed at bus stops shall be located to provide an accessible route between components and any switch boxes, mailboxes, utility boxes and similar features.
5. All bus stops shall meet or exceed current ADA requirements for transit.

6. Bus pullout areas shall be subject to review and approval by the Public Works Manager.
- H. **Street Lights.** Street lights shall be installed concurrent with other city infrastructure requirements prior to occupancy, and conform to the City of Tempe Public Works Standard Details and the Pedestrian and Bicycle Facility Guidelines contained in the Comprehensive Transportation Plan. Street lights in areas with overlay districts or redevelopment plans shall conform to any applicable guidelines (e.g., pedestrian lighting). Street light standards for private streets shall be determined through the design review or Planned Area Development (PAD) process, as applicable.
 - I. **Street Stubs.** Streets shall be extended to the boundary lines of the parcel or tract to be developed when the decision-making body determines that the extension is necessary to give street access to future development on an adjoining parcel. These street stubs are not considered to be cul-de-sacs. The city may require the developer to provide a temporary barricade, and/or turnaround for street stubs over one hundred fifty (150) feet in length.
 - J. **Grades and Curves.** Street grades and curves shall conform to the City of Tempe Public Works Standard Details.
 - K. **ADA Accessibility.** Standards for the design of curbs, curb cuts, driveway approaches, ramps, gutters, sidewalks, and paving shall provide ADA accessibility and conform to the City of Tempe Public Works Standard Details, and Pedestrian and Bicycle Facility Design Guidelines.
 - L. **Private Streets.** PAD approval is required to develop private streets. Access control gates shall conform to police, transportation, fire, and refuse access standards and provide emergency access override switches acceptable to the Fire Marshal. Private streets are required to meet the same construction standards as public streets, and lighting levels shall conform to city standards. The developer must provide a warranty on private roads.
 - M. **Street Names.** No street name shall be used which duplicates or could be confused with an existing street name in the City of Tempe or adjacent city. Street names, signs, and address numbers shall conform to the established pattern in the surrounding area, and be subject to review and approval by the City of Tempe Engineering Division.

Section 4-304 Sanitary Sewer, Storm Drainage, and Water System Improvements.

- A. **Adequate Public Facilities.** Adequate sanitary sewer, storm drainage, and water system facilities, including required fire flow, shall be provided by the developer concurrent with development and redevelopment projects, in conformance with the

City of Tempe Water Facility Master Plan, Storm Drainage Master Plan, and Sanitary Sewer Master Plan.

- B. Design.** The design of sanitary sewer, storm drainage, and water system facilities shall conform to the City of Tempe Public Works Department Standard Details and shall be subject to review and approval by the City Engineer prior to construction. A grading or drainage plan submittal to the engineering division is required prior to development approval. Storm water retention facilities shall additionally conform to the landscape standards in Section 4-702, General Landscape Standards.
- C. Underground Facilities.** All sanitary sewer and water system facilities shall be located underground, with the exception of some valves, mechanical and electrical devices and similar devices, which must be located above ground. Storm water retention facilities are permitted on the surface of the land.
- D. Storm Water Retention Required.** Storm water retention is an integral component of the city's storm water management program. Due to limitations of discharge outlets, on-site retention is a high priority element for a successful program to minimize flooding and related property damage. Development is required to provide retention of the one hundred (100) year, one (1) hour storm on property outside of public rights-of-way. See also, City of Tempe Public Works Department Standard Details.

Section 4-305 Private Utilities Coordination.

When a development, addition or change in use requires new or expanded utility services (e.g., telephone, natural gas, cable television, internet, electricity, etc.), the developer/builder is required to contact the appropriate utility companies and coordinate underground installation of the utilities. The city will not participate in the cost of constructing or relocating utilities for private development. The developer/builder is also responsible for contacting Arizona Department of Water Resources for projects involving wells or ground water withdrawal. The city may require the relocation of existing utilities that are above ground to be underground.

CHAPTER 4 – BUILDING DESIGN

Section 4-401 Purpose and Applicability.

Section 4-402 Public Safety Radio Amplification System.

Section 4-403 Building Identification.

Section 4-404 Building Height Step-Back.

Section 4-405 Mechanical Equipment.

Section 4-406 Employee Service Entrances and Exits.

Section 4-407 Art in Private Development.

Section 4-401 Purpose and Applicability.

A. Purpose. The purpose of Chapter 4 is to ensure that buildings are designed with:

1. Aesthetic values that are contextually appropriate;
2. Compatible relationships with their surroundings;
3. Defensible space and crime prevention features;
4. Accessibility to pedestrians and those with disabilities; and
5. Proper addressing.

B. Applicability. The standards in Chapter 4 apply to all buildings, except single-family (detached) dwellings and unmanned utility buildings.

Section 4-402 Public Safety Radio Amplification System.

A. Public safety radio amplification systems shall be provided in the following buildings:

1. New buildings greater than fifty thousand (50,000) square feet;
2. Existing buildings over fifty thousand (50,000) square feet when modifications, alterations or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%); and

3. All basements where the occupant load is greater than fifty (50) regardless of the occupancy, and/or sub-level parking structures over ten thousand (10,000) square feet. See Tempe City Code Chapter 9, Article II, Sections 9-21 through 9-32.

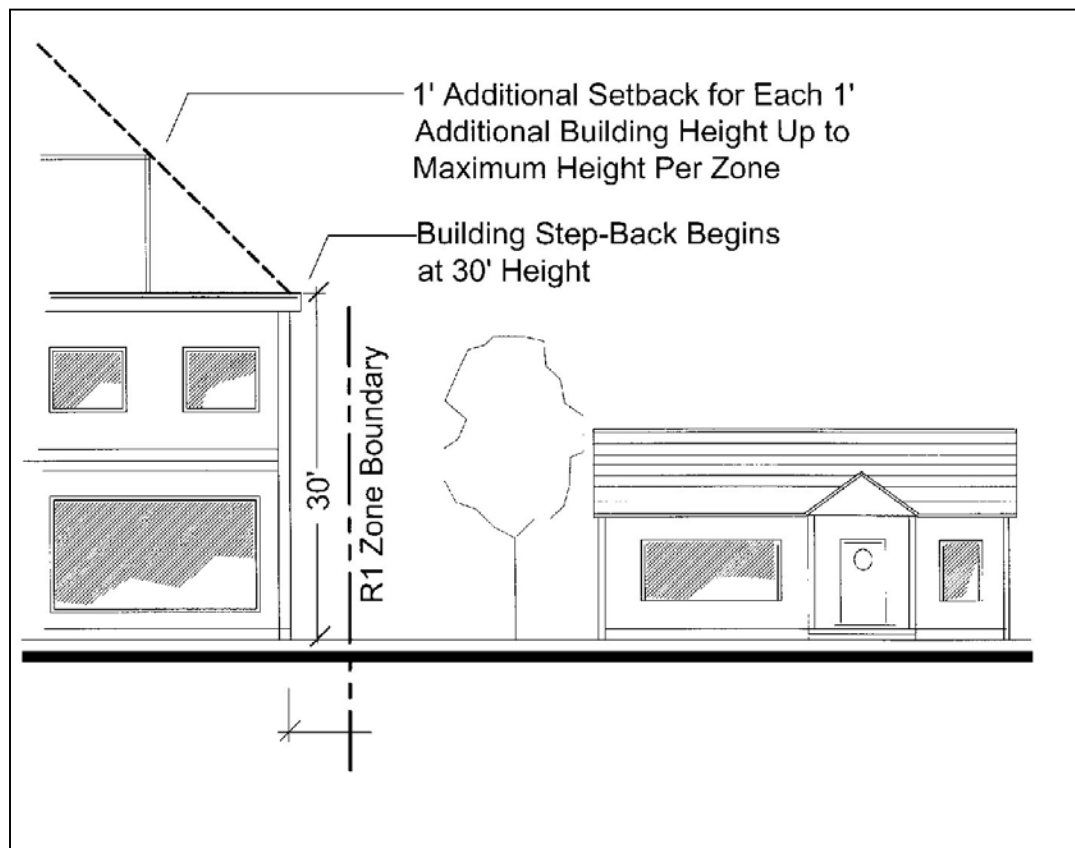
Section 4-403 Building Identification.

Buildings are required to have a site address, as assigned by the city. Building identification signs and site addresses shall conform to the standards in Section 4-902 General Sign Standards.

Section 4-404 Building Height Step-Back.

When a district other than single-family is adjacent to a single-family residential district, building facades are required to step-back, one (1) additional foot setback for each one (1) foot additional building height over thirty (30) feet. Step-back requirements begin at a height of thirty (30) feet. The building facades shall step-back as generally illustrated in Figure 4-404, below:

Figure 4-404. Building Height Step-Back



Section 4-405 Mechanical Equipment.

- A. All roof mounted mechanical equipment shall be fully concealed on all sides by elements that are an integral part of the building design and are equal to or greater in height than the mechanical equipment. Ground-mounted equipment may be screened using a masonry wall or other durable material as approved through development plan review.
- B. Mechanical equipment (e.g., satellite dish, cooling tower, or similar features) that cannot be fully screened due to their unique functional requirements, as determined by the Zoning Administrator, shall be made visually subordinate with architectural features that blend with the design of the main building and meet building code standards, as approved through development plan review.

Section 4-406 Employee Service Entrances and Exits.

Employee service exit and entrance doors shall be equipped with a security vision panel. A vision panel is a minimum six (6) inch by six (6) inch lexan® (“registered trademark”) laminated glass window center mounted on a door, and located sixty-three (63) inches from the center of the glazing to the bottom edge of the door. Wire glass vision panel is acceptable when required by applicable codes. This section applies only to new buildings designed for commercial or institutional uses, and does not apply to exterior doors installed to provide access to building utilities only. The Development Services Manager may approve other types of vision panels providing equal security.

Section 4-407 Art in Private Development.

Developers of projects that contain more than fifty thousand (50,000) square feet gross floor area of commercial or office use within any zoning district, or a phase of a larger project approved after February 24, 1990 that contains a total of more than fifty thousand (50,000) square feet gross floor area of commercial or office use within any zoning district, shall contribute to Art In Private Development. The art contribution shall take the form of either on-site installation of exterior artwork or an equivalent cash donation to the Tempe municipal arts fund. All art contributions shall conform to the City of Tempe Art In Private Development Guidelines adopted by the City Council (See Appendix D).

CHAPTER 5 – ACCESS AND CIRCULATION

Section 4-501 Purpose and Applicability.

Section 4-502 Motor Vehicle Access and Circulation Standards.

Section 4-503 Pedestrian and Bicycle Access and Circulation Standards.

Section 4-501 Purpose and Applicability.

- A. **Purpose.** The purpose of Chapter 5 is to implement the Comprehensive Transportation Plan and ensure that developments provide safe and efficient access and circulation for pedestrians (including ADA and transit accessibility), motorized vehicles, and bicycles.
- B. **Applicability.** Section 4-502 provides standards for vehicular access and circulation. Section 4-503 provides standards for pedestrian and bicycle access and circulation. These standards are intended to be used in conjunction with the standards for buildings, landscapes, and streets, as provided in other chapters of this Code.

Section 4-502 Motor Vehicle Access and Circulation Standards.

- A. **Purpose.** This section provides for vehicle ingress and egress, internal circulation, and transportation demand management options within developments. Vehicular access and circulation must be properly designed so that city's street system will be able to accommodate traffic at an acceptable level of service. Thus, this section is intended to balance the right of reasonable access to private property with safe and efficient travel. Streets have been categorized in the Comprehensive Transportation Plan by function, and classified for access purposes based upon their level of importance and function. Regulations have been applied to these roadways for the purpose of mitigating traffic demand and reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the street network. These regulations further the orderly use of land, protect community character, provide universal pedestrian and bicycle access, and conserve natural resources by promoting well-designed road and access systems.
- B. **City Approval of Access Required.** Access to a public street requires approval by the Public Works Manager based on the standards contained in this Code and the City of Tempe Public Works Standard Details.
- C. **Traffic Impact Analysis.** The city may require a traffic impact analysis prepared by a registered engineer to determine access, circulation, transportation demand management, and other reasonable transportation system mitigation requirements in reviewing a land use or development application. This analysis shall generally

conform to the city's Policy for Traffic Impact Studies (Transportation Division), as amended.

D. Access Location Options. One (1) or more of the following access locations shall be required by the city, consistent with the city's access spacing standards (Section 4-502G) and based on land use or development review (list is prioritized):

1. Access through adjacent property when cross-access easement is provided;
2. Access through existing or proposed side street, if a corner lot or double frontage lot;
3. Access from frontage street (parallel to arterial or freeway);
4. Access from arterial street in conformance with access spacing standards;
5. Access through alleys is permitted subject to the provisions under 4-502E; and
6. Site specific combination of above options.

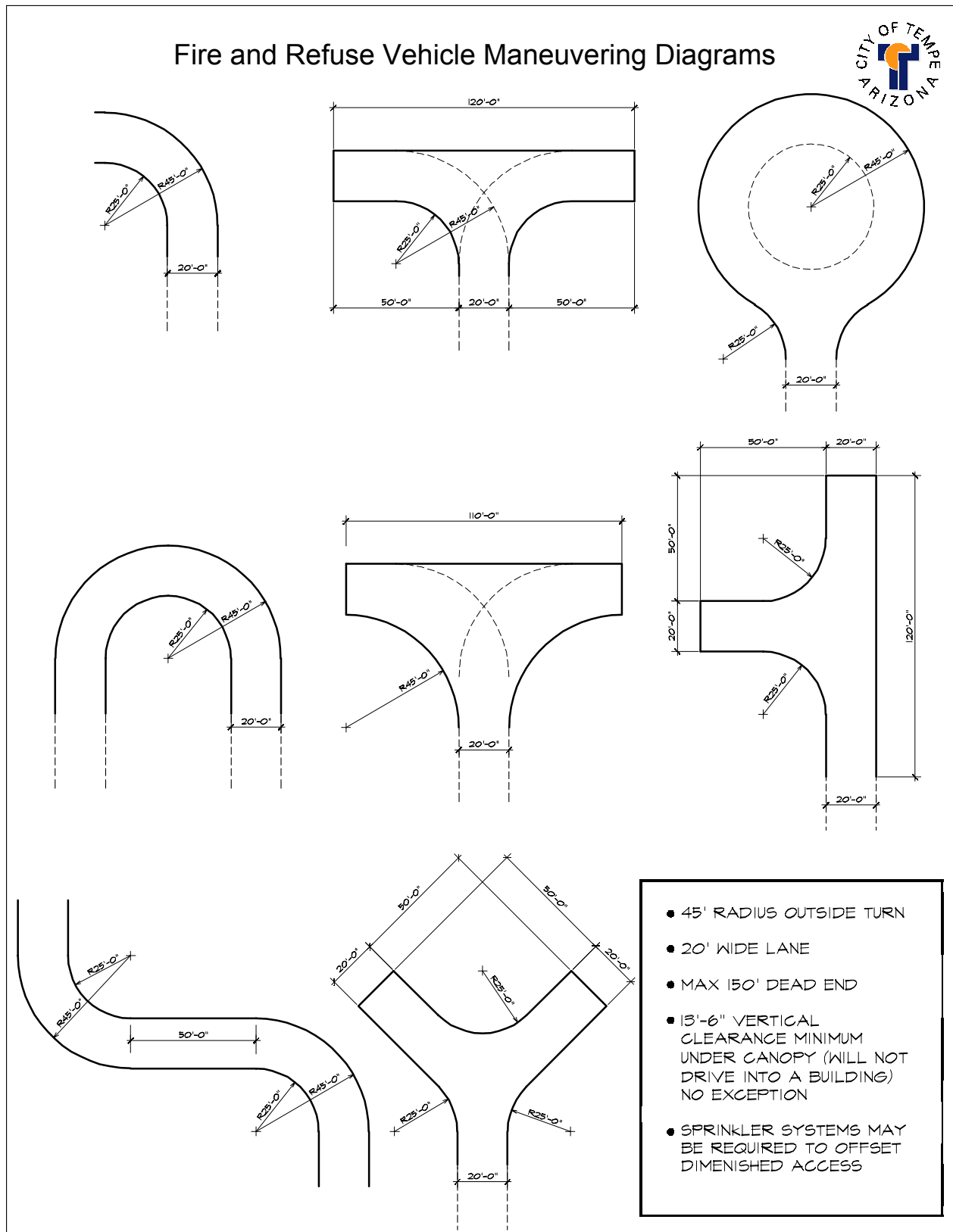
E. Access – Ingress and Egress.

1. All parking areas shall be designed so as to provide ingress and egress from a public street by forward motion of the vehicle. Single-family developments, or multi-family developments with eight (8) or fewer dwelling units, when located on a local residential street, are exempt from this requirement;
2. Using an alley for access to a non-single family use parking area opposite any single-family (R1) zoning district is permitted only when part of an approved use permit. If a use permit is granted, then the alley must be paved based on the City of Tempe Public Works Department Standard Details and standard details;
3. All off-street parking areas shall have access to a public street by means of a paved driveway that extends twenty (20) feet from the public right-of-way to the parking area. All parking areas shall be setback from the public right-of-way by a minimum of twenty (20) feet;
4. Where an entry gate or guardhouse controls vehicle access or egress, a stacking lane shall be provided as recommended by the Public Works Manager or his or her designee. The stacking lane shall not interfere with maneuvering, traffic flow of aisles, streets, bike paths, parking spaces, and sidewalks.

F. Access and Maneuvering for Fire and Refuse Trucks.

1. Parking lots shall have the necessary dimensions for the on-site maneuvering of refuse vehicles and fire trucks, as determined by the Public Works Manager. A minimum twenty (20) foot wide, unobstructed driveway, lane, or other access way and turn-around may be required for this purpose. If off-site maneuvering is necessary, a permanent, recorded cross-access easement must be filed with the Public Works Manager prior to issuance of a building permit.
2. A fire equipment access lane shall be provided for any portion of an exterior wall of the first story of a building that is located more than one hundred fifty (150) feet from an existing public street or approved fire equipment access drive.

Figure 4 –502F. Fire and Refuse Vehicle Maneuvering Diagrams



G. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. **Local Streets.** Driveways on local streets shall be separated from alleys by a minimum of twenty (20) feet, as measured from the edges of driveway apron/alley. Driveways shall be separated from adjacent local street intersections by a minimum of twenty (20) feet from the point of intersection based on property lines.
2. **Arterial and Collector Streets.** Access spacing on collector and arterial streets shall be determined based on the policies and standards in the Comprehensive Transportation Plan. However, driveway curb cuts shall not be located within one hundred (100) feet of the point of intersection of property lines at arterial or arterial/collector street intersections.
3. **Access Management.** Access management controls, such as shared access, and/or access separation greater than that specified by subsections 1 & 2 above, may be required by the city for the purpose of protecting the function, safety and operation of the street system in conformance with the Comprehensive Transportation Plan. Where no other reasonable access alternative exists, the city may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

General Plan Reference – See Comprehensive Transportation Plan provisions.

H. Number of Access Points.

1. For single-family and two (2) family (duplexes) residential uses, one (1) street access point is permitted per every fifty (50) feet of street frontage. There is no restriction on the number of access points to alleys.
2. For multi-family, commercial, industrial, public facility, and institutional developments, the number of street access points shall be minimized to protect the function, safety and operation of the street system. Shared access may be required in new developments.

I. Vertical Clearances. Driveways, private streets, aisles and turn-around areas shall have a minimum vertical clearance of thirteen (13) feet six (6) inches for their entire length and width.

J. Vision Clearance. Driveways, private streets, aisles, turn-around areas, parking structure entrances, and ramps shall conform to the vision clearance standards in Section 4-702G.

K. Driveways. Driveways shall be the minimum width necessary to provide the required number of vehicle travel lanes and to promote traffic calming in pedestrian areas. The specific driveway design standards are provided in the City of Tempe

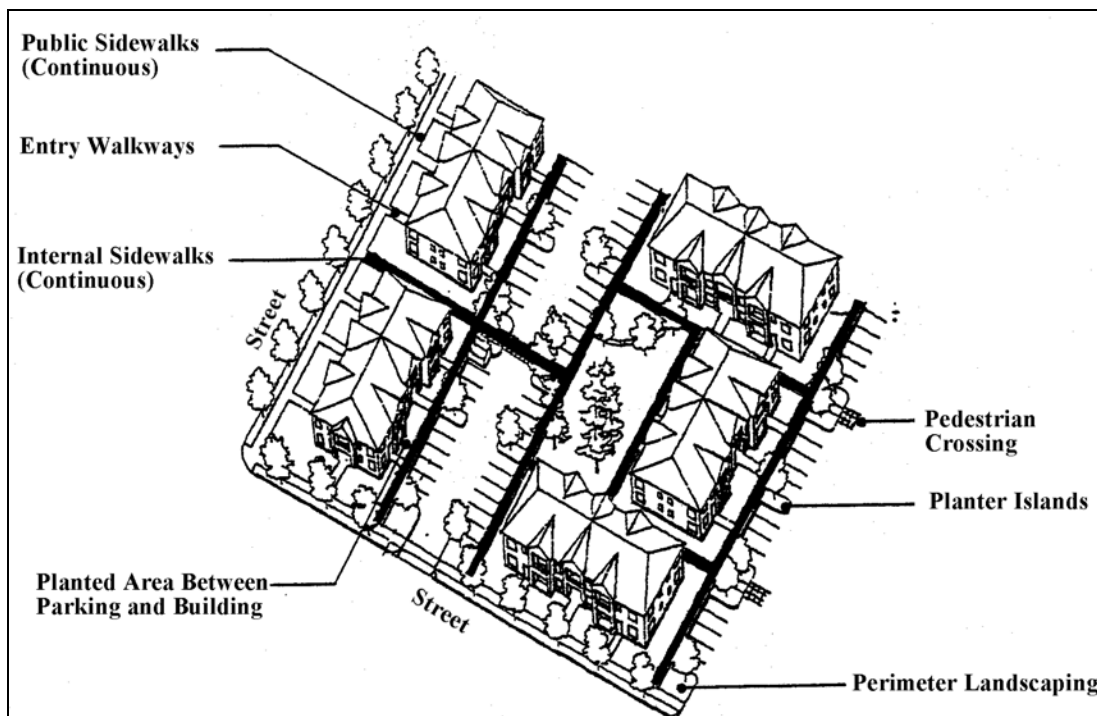
Public Works Department Standard Details and Pedestrian and Bicycle Facility Guidelines, contained in the Comprehensive Transportation Plan.

- L. Driveway and Private Street Construction.** The following development and maintenance standards shall apply to all driveways and private streets:
1. **Surface.** Driveways, parking areas, aisles, and turn-arounds shall be paved with asphalt or concrete; or alternatively, a dust-proof, porous paving material (e.g. decomposed granite) may be used when approved by the Development Services Manager as part of a storm drainage retention plan. When such porous paving material is used, tire cleaning strip(s) shall be provided at each egress (i.e. to prevent any loose gravel from entering the right-of-way). Use of porous paving materials shall conform to ADA design guidelines. (Refer to Federal ADA guidelines).
 2. **Storm Drainage Management.** All development and redevelopment projects shall convey storm drainage from driveways in conformance with an approved storm drainage retention plan.
- M. Mobile Home Park, Mobile Home Subdivision, and Trailer Park Access.** Mobile home parks, mobile subdivisions, and trailer parks shall conform to the access requirements in Section 3-416.

Section 4-503 Pedestrian and Bicycle Access and Circulation Standards.

- A. Purpose.** The purpose of this section is to implement the Comprehensive Transportation Plan, provide transportation options and ensure that new pedestrian and bicycle facilities are designed to be attractive, safe and convenient to use, as well as ADA accessible and supportive of transit use.
- B. Pedestrian and Bicycle Accessibility.** All projects that are subject to the provisions of this Code shall provide for pedestrian and bicycle accessibility. Accessibility shall be from a direct, convenient and attractive pathway system that conforms to the following standards:
1. **Continuous Pathways.** A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances, as generally shown in Figure 4-503B. The Development Services Manager may require the developer to connect or stub pathway(s) to adjacent streets, private property, adjacent trails, plazas, future phases of development, and open space areas (when reciprocal access easement is available or can reasonably be provided).

Figure 4-503B. Typical Pedestrian Pathway



C. **Pathway Safety, Comfort, and Convenience.** All portions of a development shall be accessible by a direct, convenient, attractive, safe and comfortable system of pedestrian facilities, as follows:

1. **Direct:** The pathway does not deviate unnecessarily from a direct route or involve a significant amount of out-of-direction travel for likely users.
2. **Safety and comfort:** The pathway is free from hazards, has appropriate lighting levels (i.e., relative to the adjacent use and considering natural surveillance), is suitable for people in wheelchairs (e.g., traction, not bumpy, etc.) and people with visual impediments and provides a reasonably direct route of travel between destinations. The use of shade trees or shade structures, and light color paving materials are required along pathways that cross surface parking lots, in accordance with Section 4-503F.
3. **Access to primary building entrances and parking areas:** For commercial, industrial, mixed-use, public and institutional buildings, at least one pedestrian pathway shall connect the public sidewalk to a primary entrance, and at least one pathway shall connect the primary building entrance to the street sidewalk; these may be one in the same if it is “direct”. A “primary entrance” is the main public building entrance. In the case where no public entrance exists, pathway connections shall be provided to the main employee entrance. For multi-family buildings and ground-floor residential uses in mixed-use buildings, the “primary entrance” is the front door (i.e., facing the street); except that multi-family buildings or courtyard housing in which each

unit does not have its own exterior entrance facing a street, the “primary entrance” may be a lobby, courtyard, plaza or breezeway which serves as a common entrance for more than one dwelling.

4. Pedestrian amenities: Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility, in conformance with Section 4-705.
5. Accessibility: The pathway system shall comply with ADA requirements.

D. Pedestrian and Bicycle Access Ways. Access ways (for pedestrians and bicycles) shall be provided through a site in the following situations: such pathways are identified in the city’s adopted bicycle/pedestrian plans; where the block length exceeds the length required by Section 4-303E; where cul-de-sacs or dead-end streets are planned; to connect the ends of the streets together, to other streets, and/or to other developments, where practicable. Such access ways shall conform to the City of Tempe Pedestrian and Bicycle Facility Design Guidelines and comply with all of the following criteria:

1. Multi-use access ways (i.e., for pedestrians and bicyclists) may be required, as determined by the Public Works Manager, based on the likely use of the access way;
2. The access way shall be lighted in conformance with Section 4-803;
3. Ramps are required for slopes greater than five percent (5%);
4. Landscaping within the pathway easement/right-of-way shall be required for screening, shade, and the privacy of adjoining properties, consistent with the landscaping guidelines in Section 4-702.

E. Design and Construction Standards for Pathways and Access Ways. At a minimum, all pathways and access ways shall conform to all of the standards in subsection 1-5, below, and the Pedestrian and Bicycle Facility Design Guidelines, contained in the Tempe Comprehensive Transportation Plan. See also Figure 4-503B.

1. Vehicle Separation from Pathways and Access Ways. Where pathways and access ways are parallel and adjacent to a driveway or street (public or private), they shall be raised six (6) inches and curbed, or separated from the driveway/street by a buffer strip, with a minimum width of seven (7) feet, utilizing bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.
2. Housing Separation from Pathways and Access Ways. Pedestrian pathways and access ways shall be separated a minimum of ten (10) feet from all residential living areas on the ground-floor, except at building and courtyard entrances, to provide for privacy in living areas. Separation is measured from

the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Section 4-706, Screens, Walls, and Access Control Landscapes. Pathway/building separation is not required for commercial, industrial, public, or institutional uses, except as may be required through a land use or development application approval.

3. **Private Crosswalks.** Where pathways and access ways cross parking areas, driveways, or private streets, they shall be clearly marked in accordance with ADA standards.
4. **Surface Materials.** Pathway and access way surfaces shall be concrete, and have a width that is based on their function. Pavers, brick, and other ornamental paving may be used if it has a smooth finish, and textured or bumpy materials may be used as an edge treatment, provided that an accessible route is provided between the edge treatment. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt.
5. **Accessible Routes.** Pathways and access ways shall provide accessible routes of travel, as defined and required by ADA.

- F. Requirements for Shade on Long Access Ways and Pathways.** When the primary entrance of a building is more than one hundred fifty (150) feet from the nearest point of a public sidewalk, and the entrance is accessed by a pathway traversing a parking lot with more than one hundred fifty (150) parking spaces, an overhead, shade structure or tree canopy is required along the pathway. Shade elements may include opaque structures (e.g., arbor, pergola, portico, awning, canopy, etc.) and/or shade trees planted twenty-five (25) feet on center or closer. See also Section 4-503C, Pathway Safety, Comfort, and Convenience.

CHAPTER 6 – PARKING

Section 4-601 Purpose and Applicability.

Section 4-602 General Parking Standards.

Section 4-603 Parking Ratios.

Section 4-604 Shared Parking.

Section 4-605 Parking Affidavit.

Section 4-606 Parking Area Dimensions.

Section 4-601 Purpose and Applicability.

- A. **Purpose.** The purpose of Chapter 6 is to provide standards for vehicle and bicycle parking facilities. This chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements.
- B. **Applicability.** Conformance to the standards in Chapter 6 shall be required for all uses and developments, as applicable. Construction or modification of any parking area, except single-family residential parking areas, shall comply with plans that have been approved by the city. Single-family parking areas shall conform to subsection 4-602C.

Section 4-602 General Parking Standards.

- A. **Parking Required.** No use shall provide less than the minimum or more than the maximum number of off-street parking spaces required under Section 4-603. The use of any property is conditional upon the unqualified continuance and availability of the parking as required by this Code. In phased PADs, individual phases of the PAD are exempt from the maximum parking standards, provided that the PAD does not exceed the maximum allowable parking at buildout.
- B. **Parking Standards Applicable in All Zoning Districts.**
 - 1. Parking spaces shall conform to the vision clearance standards in Section 4-702G and the pedestrian and vehicle circulation standards in Sections 4-502 and 4-503;
 - 2. Parking is allowed only on paved parking surfaces. Pavement may be concrete, asphalt, or a porous material approved by the Development Services Manager. Where decomposed granite or similar porous pavement is used, the

parking lot entrance(s) and exit(s) shall have treads to remove loose particles from the tires of vehicles;

3. A parking area shall be located on the lot it serves, or on a contiguous lot. Whenever required parking is provided on a contiguous lot a parking covenant and agreement shall be filed with the Development Services Department prior to issuance of a building permit;
4. Parking for uses located on property zoned as multi-family residential, commercial, mixed-use or office/industrial may not be provided on any property in a single-family (R1) district. Parking for any non-residential use permitted in the single-family zoning districts may be located in any other zoning district;
5. A curb or bumper guard at least six (6) inches in height shall be installed so that no part of any vehicle extends into any landscaped setbacks or landscaped areas required by this Code or beyond any property line. Parking may overhang non-required landscaping by two (2) feet in which case the length of parking stall shall be reduced by two (2) feet;
6. A curb or bumper guard at least six (6) inches in height shall be installed so that no part of any vehicle extends into a walkway or beyond any property line. Parking may overhang walkways by two (2) feet when walkway is a minimum six (6) feet in width. No vehicle may overhang any bikeway facility or public sidewalk;
7. A landscape island shall be installed at the ends of each row of parking. Additional landscape islands shall be installed such that no more than 15 consecutive parking spaces occur. See parking facility landscape standards under Section 4-704;
8. Except as provided in subsection 4-602C1, below, recreational vehicles exceeding twenty-one (21) feet in length and all boats and trailers shall not be parked in the required front yard or required street side yard, except for periods of up to forty-eight (48) hours for the purpose of loading, unloading and cleaning; and
9. All parking spaces shall be adequately marked, and the paved area shall be properly drained and kept free from dust or loose particles at all times.

C. Parking Standards Applicable in Single-Family Uses and Development. In addition to the requirements of Section 4-602B above, the following standards shall be met in all single-family (R1) and agriculture (AG) zoning districts:

1. Recreational vehicles, boats, and boat trailers that exceed twenty-one (21) feet in length and are parked in the required front yard or required street side yard shall be subject to a use permit;

2. Parking requirements for projects in the R1-PAD district shall be established with the PAD approval; and
3. Required parking spaces may be located in the required front yard or required street side yard subject to a use permit.

D. Parking Standards Applicable in Zoning Districts Other Than Single-family. In addition to the requirements of Section 4-602B above, those uses allowed in all other zoning districts shall comply with the following regulations:

1. Tandem parking may be allowed, subject to an approved use permit or Planned Area Development;
2. Paved areas that are in a fire lane, driveway, drive-through lane or service bay and that are needed for circulation in front of loading ramps or bay doors shall not be used for parking or outdoor display at any time. Parking stalls that would block a building entrance are prohibited; and
3. Parking structure designs shall minimize risk and opportunity for crime through clearly marked and accessible pedestrian routes, wayfinding, lighting, and opportunities for surveillance.

Section 4-603 Parking Ratios.

The number of required off-street vehicle and bicycle parking spaces shall be calculated for each use as follows:

- A. On-Site Parking Spaces.** The minimum parking ratios in Table 4-603E, below, are applied to each use on the site. Statements like "+ office" are intended to remind the applicant to identify and include all independent uses. Parking calculations shall be provided for every separate main or primary use on the site, as identified in the site and floor plans submitted for city approval.
- B. Accessible Parking Spaces (Americans With Disabilities Act - ADA).** The minimum number of accessible parking spaces shall conform to ADA requirements. Refer to Federal ADA code.
- C. Maximum Parking Spaces.** Except for the RCC zoning district, the number of parking spaces provided by any development in surface parking lots shall not exceed one hundred twenty-five (125) percent of the minimum required spaces in Table 4-603E, except as follows:
 1. Parking within the building footprint of a structure (e.g., rooftop parking, below-grade parking, multi-level parking structure);
 2. When a change in use causes a lower parking requirement;

3. Parking spaces managed for shared parking;
4. A use permit is required to provide more surface parking than the maximum standard; and
5. Phased projects with a PAD do not need to comply, until the final phase is constructed.

D. Parking Calculations. If the Zoning Administrator determines that an activity could function independent of the main use for the space, lot or building, then it must be included in the required parking calculation and must provide parking of its own. A separate parking calculation is not required for accessory uses. Parking calculations shall follow the requirements below:

1. When multiple uses are proposed, the fractional parking requirement for each use is added together prior to rounding off. Parking is rounded up if the sum is equal to or greater than one-half (1/2);
2. Gross floor area shall be used for square footage calculations, except where otherwise indicated;
3. The following standards apply to specified and unspecified tenant spaces in industrial buildings:
 - a. Specified Tenant(s):
 - i. Where tenants are specified and listed by name of company, parking is calculated according to the uses identified in the floor plan.
 - b. Unspecified Tenant(s):
 - i. This provision is specifically used for distribution and industrial buildings larger than one hundred thousand (100,000) square feet. The building shall be divided into equal tenant spaces with no tenant space containing more than forty thousand (40,000) square feet. After dividing the individual tenant spaces into twenty percent (20%) office use and eighty percent (80%) warehouse use, the parking standard is one space per five hundred (1/500) square feet for the first ten thousand (10,000) square feet of the warehouse use, and one space per five thousand (1/5,000) square feet for the remaining warehouse area. The office portion shall be calculated at one space per three hundred (1/300) square feet of office floor.
 - ii. This provision is specifically used for office buildings, warehouse buildings, or combination office/warehouse buildings that do not exceed forty thousand (40,000) square feet. Parking is calculated with twenty percent (20%) office and eighty percent (80%) warehouse. The warehouse standard is one space per five hundred (1/500) square feet

for the first ten thousand (10,000) square feet and one space per five thousand (1/5,000) square feet for the remaining warehouse area. The office shall be calculated at one space per three hundred (1/300) square feet. No minimum floor area is specified in this scenario.

4. Bicycle Parking. The bicycle parking ratios are indicated in the columns listed in Table 4-603 E. when required. Bicycle parking ratios in the “Bicycle Commute Area” apply to properties north of Southern Avenue extending north, east and west to the city limit lines.

E. Parking Ratio Table. Table 4-603E provides minimum off-street parking requirements for uses allowed by this Code. Requirements for uses not specifically listed shall be determined by the Zoning Administrator using the similar use ruling procedure in Section 6-301.

Table 4-603E: Ratios for Off-Street Parking

Use	Vehicle Parking Minimums	Bicycle Parking Minimums	Bicycle Commute Area
Amusement park	1 per 500 sf of public area	1 per 5,000 sf	1 per 2,500 sf
Arcade	1 space per 150 sf	1 per 1,000 sf	1 per 500 sf
Auto sales & service	1 space per 300 sf; 7 spaces minimum	4 spaces	4 spaces
Bank	1 space per 300 sf	1 per 3,000 sf	1 per 1,500 sf
Bar/nightclub	1 space per 50 sf	1 per 1,000 sf	1 per 500 sf
Bed and Breakfast/guest room	1 space per BR	N/S	N/S
Billiard Establishment	1 space per 125 sf	1 space per 2,000 sf	1 space per 1,500 sf
Boarding house	1 space per BR	N/S	N/S
Bowling alley	5 spaces per lane + bar, etc.	0.5 per lane	0.5 per lane
Call center	1 space per 150 sf	1 per 1,500 sf	1 per 750 sf
Car wash – automatic	1 space per 300 sf	4 spaces	4 spaces
Car wash – self serve	0.5 spaces per bay	N/S	N/S
Church/place of worship	1 space per 100 sf for sanctuary + school, etc.	1 per 1,500 sf	1 per 1,500 sf
Conference/assembly	1 space per 125 sf	1 per 2,000 sf	1 per 2,000 sf
Convenience store/gas	1 space per 300 sf	1 per 2,000 sf	1 per 1,000 sf
Court (tennis, racquetball, etc.)	2 per court + restaurant, etc.	0.5 per court	0.5 per count
Day care, children	1 space per 300 sf	1 per 3,000 sf	1 per 1,500 sf
Fraternity/sorority	1.5 spaces per BR	0.5 per BR	1 per BR
Furniture sales	First 10,000 sf @ 1 space per 500 sf + 1 space per 5,000 sf remaining	1 per 5,000 sf	1 per 5,000 sf
Golf course/clubhouse	4 spaces per green + restaurant, pro shop, etc.	0.2 per green	0.2 per green
Golf driving range	0.5 space per tee + retail (pro shop)	1 per 10 tees	1 per 10 tees
Health club/spa	1 space per 125 sf or sum of components (courts, daycare, office, etc.), whichever is less	1 per 2,000 sf	1 per 2,000 sf
Hospital	0.5 space per bed & 1 space per doctor on staff + 0.5 space per employee	0.2 space per employee	0.2 space per employee
Hotel/motel	1 space per unit + office, etc.	1 per 20 units	1 per units
Lodge/club	1 space per 125 sf	1 per 2,000 sf	1 per 2,000 sf
Manufacturing	1 space per 1,000 sf + office	1 per 10,000 sf	1 per 10,000 sf
Mini-golf	1 space per hole + arcade, etc.	0.5 per hole	0.5 per hole
Mini-warehouse	1 per 5,000 sf; includes manager's office	N/S	N/S
Mobile home/trailer	2 spaces + 0.2 guest spaces per unit	N/S	N/S
Mortuary	1 space per 125 sf	2 spaces	2 spaces

Table 4-603E: Ratios for Off-Street Parking

Use	Vehicle Parking Minimums	Bicycle Parking Minimums	Bicycle Commute Area
Multi-family			
Guest	0.2 space per unit	0.2 space per unit	0.2 space per unit
Studio	1 space per unit	0.5 per unit	0.75 per unit
1 Bedroom	1.5 spaces per unit	0.5 per unit	0.75 per unit
2 Bedroom	2 spaces per unit	0.5 per unit	0.75 per unit
3 Bedroom	2.5 spaces per unit	0.75 per unit	1 per unit
4 Bedroom	3 spaces per unit	0.75 per unit	1 per unit
Museum	1 space per 250 sf	1 per 4,000 sf	1 per 3,000 sf
Nursing home/elder care	0.5 space per bed	0.05 per bed	0.05 per bed
Office			
General	1 space per 300 sf	1 per 10,000 sf, 2 min	1 per 8,000 sf, 4 min
Medical	1 space per 150 sf	1 per 12,000 sf, 2 min	1 per 12,000 sf, 2 min
Restaurant			
Indoor	1 space per 75 sf	1 per 1,000 sf	1 per 500 sf
Outdoor	1 space per 150 sf, or 1 space per 4 seats/chairs if no patio wall	1 per 2,000 sf, or 1 per 50 seats/chairs if no patio wall	1 per 2,000 sf, or 1 per 50 seats/chairs if no patio wall
Retail – indoor	1 space per 300 sf	1 per 10,000 sf, 2 min	1 per 7,500 sf, 4 min
Retail – outdoor	1 space per 500 sf	1 per 5,000 sf	1 per 5,000 sf
School – elementary/junior high	1 space per 300 sf classroom + office	1 per 1,000 sf	1 per 1,000 sf
School – high school/college	1 space per 200 sf classroom + office	1 per 1,500 sf	1 per 1,500 sf
Single-family	2 spaces per unit	R1-PAD requirement shall be established with the PAD	R1-PAD requirement shall be established with the PAD
Stadium/arena	0.2 space per seat + restaurant, etc.	1 per 100 seats	1 per 100 seats
Team sports (volleyball, baseball, soccer, etc.)	9 per field or court	4 per field or court	4 per field or court
Theater	1 space per 3 seats	1 per 40 seats	1 per 30 seats
Warehouse			
Tenant Specific	First 10,000 sf of warehouse @ 1 space per 500 sf + 1 space per 5,000 sf for remaining warehouse+ office	1 per 10,000 total sf	1 per 10,000 total sf
Without Specified Tenant	See Section 605(A)(7).	Based on any office space (1 per 10,000 sf)	Based on any office space (1 per 10,000 sf)

N/S = No Standards

Section 4-604 Shared Parking.

Parking requirements for two (2) or more uses may be satisfied with shared parking. Shared parking may be approved only when the subject uses have inherent differences in parking activity patterns, the combined parking requirement will not exceed the available parking supply, and the right of joint use of a parking facility is evidenced by a contract establishing joint use. Shared parking shall be subject to review and approval by the Zoning Administrator under Section 6-312, and shall conform to the following standards:

- A. Location.** Parking shall be provided on the same or a contiguous lot. Parking may be provided off-site with professional analysis that the proximity of the parking is acceptable.

In cases where parking for a project is to be provided on more than one (1) lot, a parking association shall be formed by the owners of the affected parcels prior to issuance of a building permit. Documentation of the association shall be provided to the Zoning Administrator prior to issuance of the building permit.

- B. Shared Parking Model.** The Shared Parking Model (see Appendix F) shall be used as a basis for predicting the parking required for a particular mix of uses on a site, except where the Zoning Administrator has approved the use of a customized parking model.
- C. Shared Parking Report.** The applicant's calculation of shared parking requirements shall be based on a professional parking analysis and management plan that is submitted with the development plan and/or land use proposal.
- D. Implementation.** The owner or manager of a project approved under the parking demand alternative, once built, shall maintain an accurate up-to-date record of the usage of the gross floor area for the project, both occupied and vacant, according to type of use. The Development Services Manager may require this record be provided when the owner applies for a new land use or development approval for the subject parcel.

Section 4-605 Parking Affidavit.

When shared parking is permitted, the owner of the site on which the shared parking is located shall file a parking affidavit with the Development Services Department. The parking affidavit shall transfer the rights to the unqualified availability of a specific number of parking spaces from one property (which can no longer take credit for them) to another for the specific hours of use supported by the parking analysis (Section 4-604C), as long as the spaces are required by this Code.

Section 4-606 Parking Area Dimensions.

- A. Parking Area Dimensions.** Minimum dimensions for parking spaces:

1. Motor vehicle parking spaces shall measure eight (8) feet six (6) inches wide by eighteen (18) feet long or by sixteen (16) feet long, with not more than a two (2) foot overhang when allowed;
2. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
3. End spaces for motor vehicles shall provide a three (3) foot maneuvering area. See Figure 4-606A1, below;
4. Parking area layout shall conform to the dimensions in Figure 4-606A2 below;
5. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines; and
6. Bicycle parking shall be on a two (2) feet by six (6) feet minimum concrete pad per bike, or within a garage or patio of residential use.

Figure 4-606A1: Maneuvering Areas

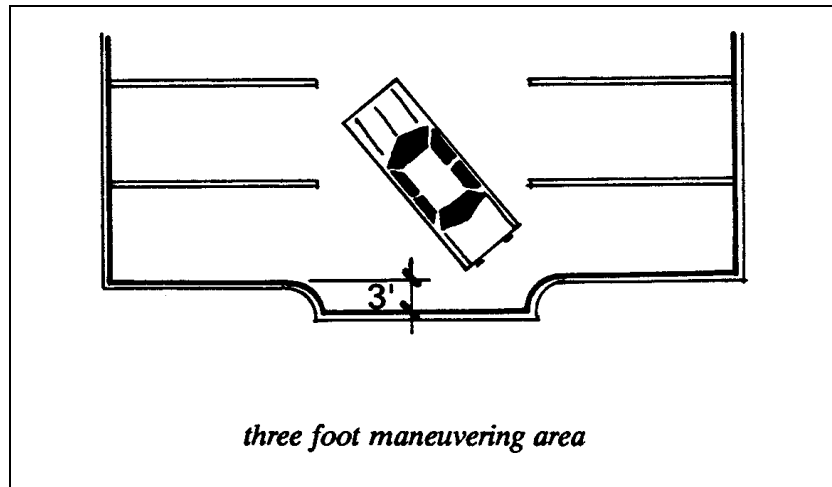


Figure 4-606A2: Parking Area Layout

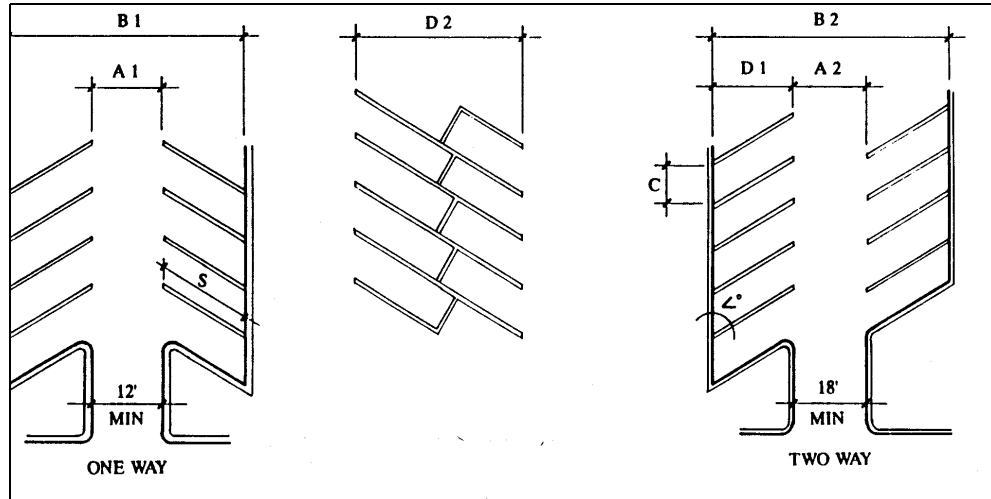


Table 4-606A: Parking Area Layout

	PARKING ANGLE < °	CURB LENGTH	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH
			SINGLE D1	DOUBLE D2	ONE WAY A1	TWO WAY A2	ONE WAY B1	TWO WAY B2	
Standard Space	90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
	60°	10'	20'	40'	17'	18'	57'	58'	23'
	45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
	30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
	0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

CHAPTER 7 – LANDSCAPE & WALLS

- Section 4-701 Purpose and Applicability.**
- Section 4-702 General Landscape Standards.**
- Section 4-703 Street Frontage Landscape Standards.**
- Section 4-704 Parking Facility Landscape Standards.**
- Section 4-705 Pedestrian Amenities.**
- Section 4-706 Screens, Walls and Access Control Landscapes.**

Section 4-701 Purpose and Applicability.

- A. Purpose.** This chapter provides standards for the design of landscape treatments and access control landscapes, including planted materials, ground covers, landscape structures, hardscapes (e.g., plazas, courtyards, walls), screening, and access control devices such as fences and gates. Its purpose is to create functional, safe, accessible and attractive outdoor areas, as well as screen from view any and all uses that may be unattractive to public view. Landscape design standards are intended to: assist in controlling erosion, reduce dust and glare, provide shade, visually soften building masses, create defensible spaces that support crime prevention, ensure ADA accessibility and aid in screening intense activities. The design standards and referenced guidelines in this chapter are intended to be flexible and adaptable to address the context in which they are applied.
- B. Applicability.** All uses and developments shall conform to the standards of this chapter, except as provided for uses and developments in the RCC district, and single-family uses, as noted herein. Standards for landscape, walls and screening in the RCC district shall be established through the Design Review Board and City Council. Written approval by the Development Services Department is required prior to installation of any landscaping, walls, fences, or other improvements. Except as provided for under Section 4-102D (Bonding), all landscape and walls shall be installed prior to issuance of an occupancy permit. Any walls to be located within the public right-of-way shall require development plan approval and/or prior approval by the Public Works Department, and receive an encroachment permit.

Section 4-702 General Landscape Standards.

- A. Water Retention Area Landscape Standards.** All on-site water retention areas, other than paved surfaces, shall be entirely landscaped, and comply with the criteria below:

1. The retention areas shall not occupy more than sixty-seven percent (67%) of the on-site street frontage landscape area (landscape area does not include driveways); and
2. All retention areas shall maintain slopes no steeper than four to one (4:1), except as approved by the Public Works Manager.

Cross reference — See also Section 5-102 for additional requirements for parcels in the Rio Salado Overlay District.

B. Low Water Use Landscape. All development, except as noted herein, shall comply with the Low Water Use/Drought Tolerant Plant List, as provided by the Arizona Department of Water Resources. Except for residential units, bona fide city parks of less than ten (10) acres in total area that are intended for use and enjoyment of the general public, whether or not such parks are owned by the city or by a private entity, and "turf-related facilities" as defined by the Arizona Department of Water Resources (ADWR) Second Management Plan (Phoenix), all new development shall conform to the following criteria:

1. **Limit on Water Intensive Landscaping.** Landscape installations for new construction and whenever a new landscape plan is required to be filed for the entire site, except hotels and motels, shall limit the area of water intensive landscaping (including bodies of water, water features, and turf) to no more than twenty percent (20%) of landscapable area in excess of ten thousand (10,000) square feet. Schools, parks, cemeteries, golf courses, common areas of housing developments and public recreational facilities with water-intensive landscaping equal to or greater than ten (10) acres are exempt from this provision. New hotels and motels shall limit the area of water-intensive landscaping to no more than twenty percent (20%) of the landscapable area in excess of twenty thousand (20,000) square feet.
2. **Landscape Plan and Inspection Required.** For any project covered under subsection 4-702B1, above, no building permit shall be issued until the Development Services Department has approved a landscape plan and an irrigation plan. A certificate of occupancy shall not be issued until the Development Services Department has approved the installation of the irrigation system and landscape treatments, except as provided in Section 4-102D.

C. Landscape Area. Each site to be developed shall be required to provide landscape areas equal to or exceeding the minimum amounts provided in Chapter 2, Tables 4-202B, 4-203A, 4-203B and 4-204. Where buildings and/or parking areas are set back from the street, all front and street side yards shall be entirely landscaped, except city approved pathways, driveways, parking areas and pedestrian amenities. In addition to the minimum on site landscaping, there shall be landscape in the entire area of the right of way, between street property line and back of street curb, except for approved driveways, walkways and bike paths.

- D. Ground Cover.** Other than pathways, light standards, walls, fences, trees, and furnishings, landscape areas shall be planted with vegetative ground cover or contain other ground cover materials approved through development plan review.
- E. River Rocks.** Any river rock material must be embedded in concrete to a depth of two-thirds (2/3) the dimension of the rock to prevent its removal or relocation.
- F. Trees.**
1. **Planted as Screens.** Trees planted as screens shall provide an opaque or semi-opaque barrier, as required through development plan review, and shall maintain a view corridor for street addressing (i.e., as viewed from curb).
 2. **Tree Specifications.** All trees shall be a minimum of one and one-half (1 ½) inch caliper and shall be planted and staked in accordance with the "Standard Tree Planting Detail," as may be amended from time to time, which is on file in the office of the Development Services Department and is incorporated herein by reference. Plant sizes shall be in accordance with the Arizona Nurseryman Association Standards.
 3. **Prohibited Trees.** The planting and replacement of pollen-producing olive trees (*olea europaea*) or mulberry trees (*morus alba*) is prohibited. Olive or mulberry tree varieties or cultivars that are pollenless and fruitless such as "swan hill" olive may be planted or replaced. It shall be unlawful to plant eucalyptus, elm, willow, cottonwood or poplar trees in any public right-of-way.
- G. Clear Vision Requirements.**
1. **Street Intersections and Driveway Entrances.** Except as otherwise approved in writing by the Public Works Manager, a wall, building, landscaping, or other visual obstruction exceeding two (2) feet in height (measured from street curb, see Appendices B and C for a list of recommended shrubs) shall not be placed within a "clear vision triangle". Reference the "Intersection Site Distance Section" of the current addition of the AASHTO policy on Geometric Design of Highways and Streets. There shall be an exception for a reasonable number of trees pruned high enough to permit unobstructed vision.
 2. **Pathways.** Groundcovers and shrubs within six (6) feet of pathways shall not exceed two (2) feet in height at maturity. Between six (6) feet and twelve (12) feet of the edge of pathways, groundcovers and shrubs shall not exceed three (3) feet in height at maturity. There shall be an exception for a reasonable number of trees pruned high enough to permit unobstructed vision.

Section 4-703 Street Frontage Landscape Standards.

- A. Street Trees.** Trees shall be planted along street frontages, as approved through development plan review. Street frontage landscape shall conform to the following standards:
1. Street trees are required along all street frontages, public and private; and
 2. A minimum of one (1) tree shall be provided for every thirty (30) feet of lineal street frontage. Tree location and spacing shall be established through development plan review.
- B. Screen Parking Areas Along Street.** Where parking areas are provided along a street frontage, a screening wall or berm shall be provided in conformance with Section 4-706E.

Section 4-704 Parking Facility Landscape Standards.

All parking facilities shall conform to all of the standards below:

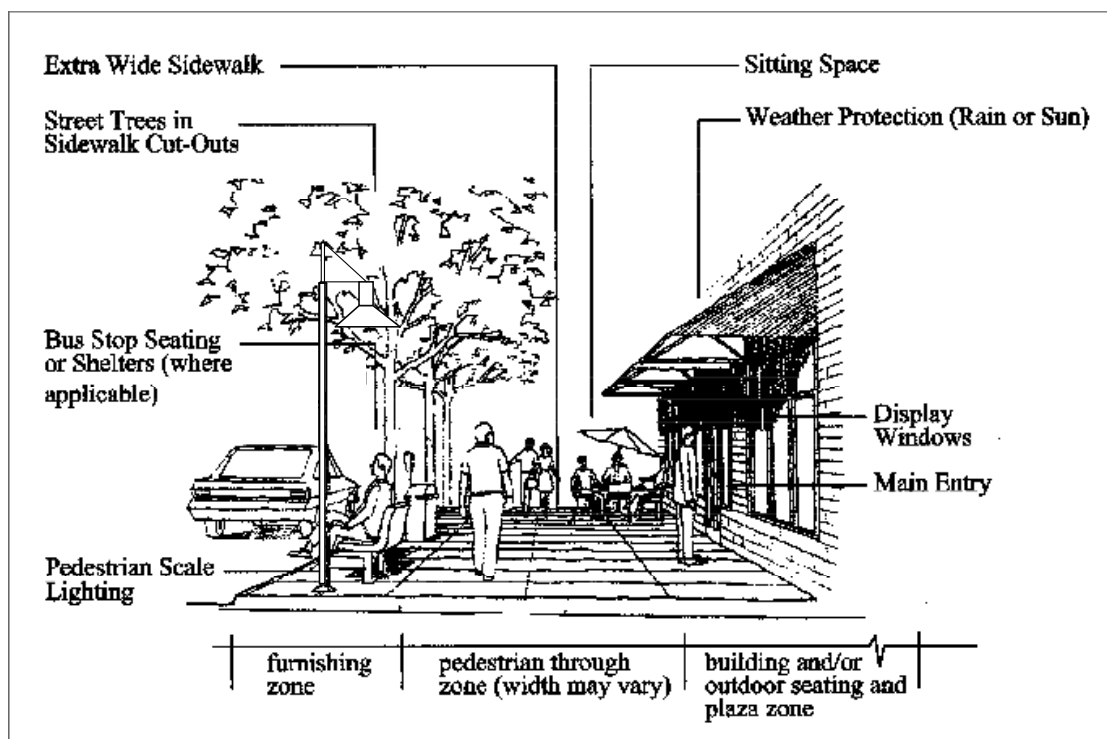
- A. Parking Lot Landscape.** Parking lots shall have landscape treatments that provide shade and allow for natural surveillance. Two (2) options are provided for conformance:
1. **Option 1: Standard Dimensions.** A minimum of ten percent (10%) of the surface area of all surface parking lots, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscape treatments shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one (1) tree per twelve (12) parking spaces total shall be planted to create a partial tree canopy over and around the parking area. Parking areas shall contain landscape islands with trees to subdivide the parking area into rows of not more than fifteen (15) contiguous parking spaces. Landscape island spacing is flexible within the above standards.
 2. **Option 2: Performance Standard Based on Tree Canopy.** The landscape plan provides for an overall tree or shade canopy above surface parking areas that is not less than twenty percent (20%) of the parking area, based on the expected size of trees within five (5) years of planting. Such determination shall be based on landscaping or tree planting guides for the region (e.g., Sunset Western Garden Book). Shade structures may be used, subject to a development plan review approval. This standard shall be met at 3:00 p.m. on the date of summer solstice. A development plan shadow study is required to verify this option.

- B. Parking Structures.** Parking structures shall have perimeter landscape, consistent with building setbacks, that is designed to provide partial screening of walls and vehicle lights, shade along sidewalks, and natural surveillance into parking structures, consistent with Section 4-706. Such landscape shall be as approved through design review.
- C. Parking Lot Landscape Dimensions.** All parking areas shall conform to the following standards:
1. Landscape islands as required in Section 4-602B7 shall be provided except that raised curbs are not required where parking areas drain into storm drainage retention features that are integrated into the parking area and landscape design;
 2. Each landscape island shall be not less than seven (7) feet in total width and the length, including curbing, shall be equal to the length of the abutting parking stall(s), to ensure adequate soil, water, and space for healthy plant growth. Each landscape island in the parking area shall be a minimum of one hundred twenty (120) square feet in area, including curbs;
 3. To accommodate pedestrians, landscape islands may be required to include minimum five (5) foot wide raised pathway with wheelchair ramps. For such situations landscape island widths shall be increased to a minimum twelve (12) feet;
 4. Each landscape island shall include at the time of installation a minimum of one (1) tree of with a minimum caliper of one and one-half (1 ½) inches and five (5) ground covers of one (1) gallon size for each parking stall length. All ground covers in parking lot landscape islands shall not exceed two (2) feet in height and be selected from the recommended ground cover and shrub plant list (see Appendix B), and be of a species that will not grow to interfere with natural surveillance of the parking lot. Development plan review modifications to these and other standards shall demonstrate that the alternative provides equal or superior appearance and plant health;
 5. All parking areas shall conform to the street vision clearance standards under Section 4-702G; and
 6. Tree trunks shall not be placed closer than twenty (20) feet, measured horizontally, from a light source. Trees and lighting shall be located to avoid conflicts with one another and to avoid conflicts with existing and proposed structures. Development plan review modifications to this standard shall demonstrate the alternative does not reduce required lighting levels.
- D. Screens.** Parking facilities shall be screened from view, from the public right-of-way, as provided in Section 4-706E.
- E. Display Prohibited.** Landscaped areas shall not be used for parking of vehicles, display of merchandise or other uses detrimental to the landscape treatments.

Section 4-705 Pedestrian Amenities.

The city may require the placement of pedestrian amenities along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility. Pedestrian amenities include but are not limited to: extra wide sidewalks, outdoor seating, shade structures/weather protection (shade trees exceeding minimum street tree standards, awnings, canopies or other shade structures), outdoor seating, bus waiting areas, plazas, courtyards, low-level pedestrian-scale lighting, public art, and similar amenities as approved by the city. See examples in Figure 4-705. The requirement to provide pedestrian amenities shall be determined through development plan review, based on the probable impact of the development and the appropriateness of the amenity to the project design. Where a pedestrian amenity is located adjacent to or within the public right-of-way, it shall conform to the City of Tempe Pedestrian and Bicycle Facility Design Guidelines, contained in the Comprehensive Transportation Plan. An encroachment permit shall be required to place any pedestrian amenity in the public right-of-way.

Figure 4-705. Pedestrian Amenities



Section 4-706 Screens, Walls and Access Control Landscapes.

The following standards are intended to avoid or reduce impacts regarding visual, sound, privacy, and/or glare to and from land uses, and to implement the crime prevention and security standards contained in this chapter. In all locations where walls are either

required by this Code, or desired by the owner of the property, the walls shall conform to all provisions of this chapter.

A. General Fence and Wall Height Standards.

1. The maximum height of any freestanding wall or fence in a required front yard setback shall be four (4) feet, including single-family residential yards.
2. In areas behind a required front yard setback and within the required rear and side yards, the maximum height of walls shall be ten (10) feet, except where a taller wall is necessary to screen service areas under Section 4-706G.
3. The Clear Vision Requirements, Section 4-702G, shall apply to fences and walls.
4. All fences and walls shall be subject to city review and approval through development plan review, or by approval of the Development Services Manager. Any wall in excess of six (6) feet shall require a building permit.

B. Reverse Frontage Walls. An eight (8) foot masonry wall shall be required along the rear of reverse frontage lots, including single-family.

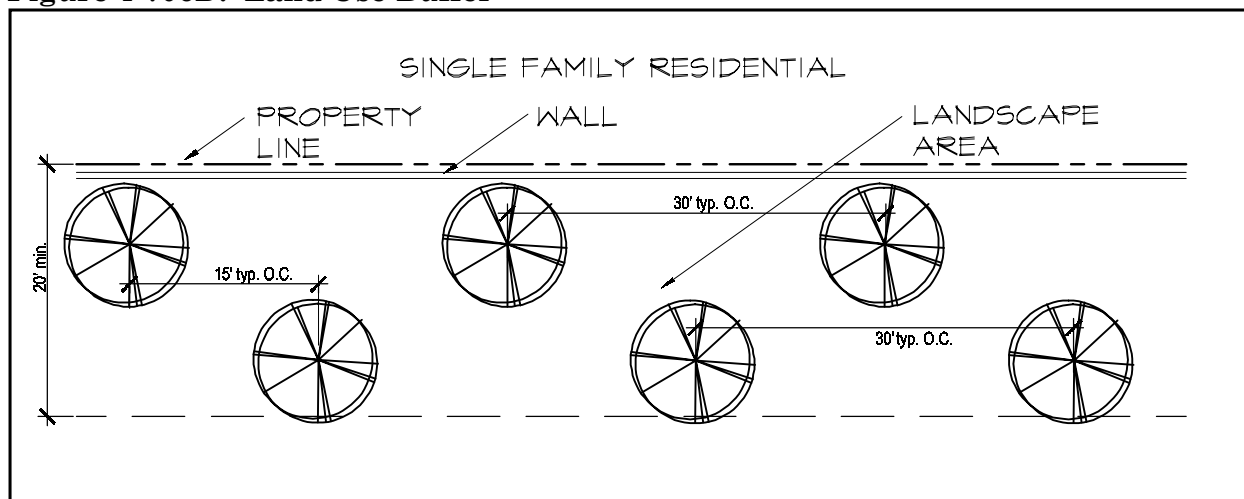
C. Wall Design. All required walls shall be located and designed based on the intended screening function, proposed use and adjoining uses, as follows:

1. Walls placed between a residential district and any commercial use, industrial uses, or surface parking lot shall be constructed of masonry or concrete, or equal or better quality material, as approved through development plan review. Alternatively, an ornamental iron fence, combination iron fence with masonry pillars, or similar design with equal or better quality material may be approved.
2. All masonry walls shall have an architectural texture, color and material compatible with the primary building on-site (or on respective sides). Walls may have ornamental decorative iron fence panels, vertical pickets with spacing that is consistent with the Uniform Building Code, as an integral part of the design of the wall;
3. A living wall or see-through ornamental iron fence may be approved as a substitute for masonry if the wall is not required for visual screening of mechanical equipment, outdoor storage areas, or parking areas. See Landscape Design Guidelines in Appendix A-IV.

D. Land Use Buffers. Property lines of parcels developed for multi-family, mixed-use, commercial, office, or industrial uses that are adjacent to or separated by an alley from any single-family residential district (except when land is used for city parks) or use shall provide a wall and landscape screen in conformance with the following standards:

1. Screen planting areas shall be at least six (6) feet clear in width;
2. Screening shall conform to the Landscape Design Guidelines in the Appendix A-IV;
3. These buffer areas shall contain trees with a maximum spacing of twenty (20) feet on center;
4. All walls shall be constructed of masonry or concrete material and shall be a minimum of eight (8) feet in height;
5. Screens and walls shall provide for natural surveillance, when required by the Development Services Manager; and
6. Where a commercial, office or industrial development of over fifty thousand (50,000) square feet of building area is located adjacent to a single-family residential district or use, the landscape buffer described above in this section shall be a minimum of twenty (20) feet wide adjacent to that use. This buffer shall be planted with two (2) rows of trees along the interior side of the required wall. Each row is to contain trees spaced at thirty (30) feet on center and staggered by fifteen (15) feet to the adjacent row, except where an alternative design approved through development plan review would provide an equal or better effect in screening the two (2) uses. See Figure 4-706D.

Figure 4-706D. Land Use Buffer



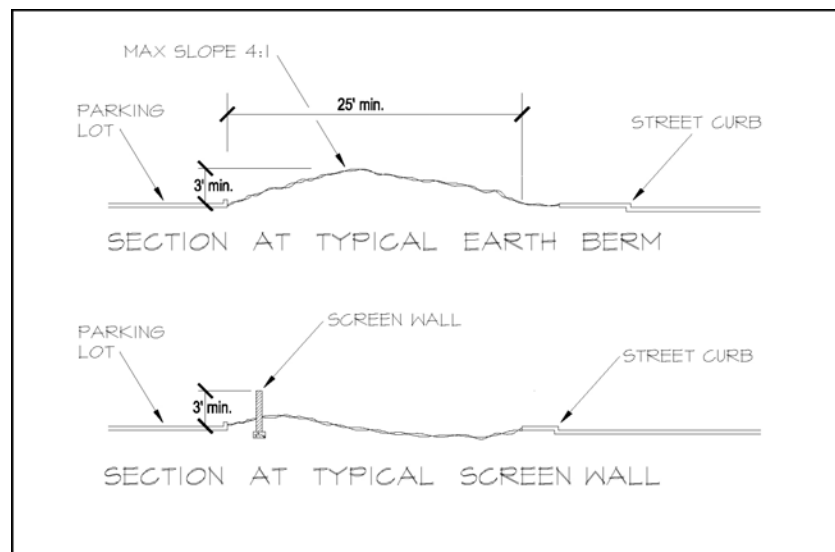
E. Parking Lot Screens. All on-site parking areas adjacent to streets shall be screened from street view. This standard can be met through the use of the following screening methods, which may be used individually or in combination:

1. A parking lot screen wall shall be installed adjacent to the edge of the parking lot. The top of the parking lot screen wall shall be a minimum of three (3) feet above the adjacent parking lot surface. Parking lot screen walls shall be constructed of masonry or concrete, be a minimum of eight (8) inches

in thickness, and incorporate offsets and relief. Open areas or portals for natural surveillance shall be provided, if required by the Development Services Manager; or

2. Earth berms, if used in lieu of or in conjunction with screen walls, shall have a maximum slope of 4:1 and minimum width of twenty-five (25) feet. Berms are allowed only when there is sufficient area to create a three (3) feet tall berm. See Figure 4-706E.

Figure 4-706E. Parking Lot Screens



- F. **Outdoor Storage Areas.** All outdoor storage areas for materials, vehicles, trailers, equipment, trash or other similar items shall be enclosed by a masonry or concrete wall with gate to screen the view of these uses from public rights-of-way and adjoining residential, commercial and mixed-use districts. This wall shall be a minimum of eight (8) feet tall but not to exceed ten (10) feet tall, measured from the highest adjacent grade within twenty (20) feet or street curb, whichever is higher.
- G. **Service Areas.** All service bays, loading, delivery and refuse areas shall be screened from street view by a minimum of a six (6) foot high masonry wall. Site conditions and surrounding uses will be used to determine maximum height of walls adjacent to loading areas, service bays, mechanical equipment, etc. that are required to be screened.
- H. **Alleys.** Screening requirements along alleys shall be the same as for land use buffers, See Section 4-706D, except when alley access is allowed by use permit per Section 4-502E2.
- I. **Mobile Home Parks, Mobile Home Subdivisions and Trailer Parks.** Perimeter boundaries of all mobile home parks, mobile home subdivisions and trailer parks shall contain a screening and security wall that conforms to the standards in Section 3-416B, Mobile Homes Perimeter Walls.

CHAPTER 8 – LIGHTING

Section 4-801 Purpose and Applicability.

Section 4-802 Photometry Plan.

Section 4-803 Lighting Standards.

Section 4-804 Prohibited Lighting.

Section 4-805 Exemptions.

Section 4-801 Purpose and Applicability.

- A. **Purpose.** It is intended to ensure appropriate lighting levels that support wayfinding and crime prevention, allow flexibility in architectural design, minimize undesirable light and glare into adjoining properties and minimize light pollution into the nighttime sky.
- B. **Applicability.** This chapter applies to lighting for uses on-site (i.e., not in the public right-of-way). It does not apply to streetlights in the public right-of-way, which are governed by the City of Tempe Public Works Department Standard Details. All exterior lighting installations require the approval of the Development Services Manager prior to installation except as noted in Section 4-805. Standards for lighting in the RCC zoning district shall be established through the Design Review Board and City Council. Any person applying for a building, electrical or sign permit to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed work will comply with the provisions of this chapter.

Section 4-802 Photometry Plan.

Any building or development submitted for a building permit shall contain information on the type of lighting and illumination levels proposed (photometry plan). The contents of photometry plans shall be as specified in Appendix E.

Section 4-803 Lighting Standards.

Prior to issuance of a building, electrical or sign permit, the Development Services Manager shall determine that the submitted plans and details for said permit are in conformance with the following standards. The stamping of the plans and the signature of the Development Services Manager or designated representative and the date of the signature shall indicate that the plans are in conformance. Should the applicant desire to substitute outdoor light fixtures or lamps to be installed on private property after a permit has been issued, the applicant shall submit all changes to the Development Services Manager for approval, with adequate information to assure compliance with this chapter.

- A. Illumination in General.** Exterior lighting shall provide for appropriate and desirable nighttime illumination for all uses on and related to the site, including, but not limited to, pedestrian pathways, plazas, courtyards, building entrances, parking and driveway areas, automatic teller machines (ATMs), and other outdoor spaces commonly used at night. Lighting of exterior areas shall reduce conflicts between building design and landscape treatments, provide appropriate surveillance for crime prevention, and minimize glare or intrusive light onto adjoining properties and into the night sky.
- B. Illumination Levels.** The maximum illumination level for on-site lighting is forty (40) foot-candles as measured at grade, based on light loss factor of sixty-eight one hundredths (0.68) for metal halide lighting and seventy-two hundredths (0.72) for high pressure sodium lighting. Refer to Section 4-805 Exemptions.
- C. Mounting and Operation of Light Fixtures.** The mounting and operation of light fixtures shall be governed by the following:
1. Building mounted light fixtures shall be attached only to walls and the top of the fixture shall not be higher than necessary to illuminate the area required;
 2. In any residential zoning district or within fifty (50) feet of any residential zoning district, freestanding light fixtures shall not exceed eighteen (18) feet in height. Within the next fifty (50) to one hundred fifty (150) feet of any residential zoning district, freestanding light fixtures shall not exceed twenty-five (25) feet in height. In all other locations, freestanding light fixtures shall not exceed thirty (30) feet tall;
 3. To comply with 1 and 2, above, height shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture;
 4. Controls for lights for rest rooms identified for general public use shall be of the style that cannot be turned off or on by users other than staff;
 5. Light fixture design:
 - a. All luminaires used for security shall be vandal resistant that resist tampering, incorporate vandal resistant refractors (lens) and be provided with a gasket or seal that is designed to resist rain, dust and insect contamination;
 - b. Outdoor light fixtures, which are fully shielded to direct all light below a horizontal plane through the bottom of the fixture and have no lens which drops below the fixture may use any illumination source, up to a maximum of forty (40) foot-candles, as provided in Section 4-803B;
 - c. Outdoor light fixtures, which have a lens or diffuser which is visible above the horizontal plane and constructed of white/opal glass, are considered

non-shielded and filtered and shall be limited to the light output equal to a one hundred (100) watt incandescent bulb, no greater than one thousand seven hundred (1,700) lumens;

- d. Outdoor light fixtures, which have a lens or diffuser which is visible above the horizontal plane and constructed of clear or prismatic glass, are considered non-shielded and non-filtered and shall be limited to the light output equal to a fifty (50) watt incandescent bulb no greater than six hundred (600) lumens;
 - e. All conduit shall be concealed;
 - f. The foot-candle level at the property line adjacent to a single-family district (from the proposed lighting) shall not exceed one-half (0.5) foot-candle. Lighting next to a residential use shall not spill over onto that use;
 - g. Lighting fixtures used to illuminate an outdoor advertising sign (billboard) shall be mounted on the top of the sign structure and shall comply with the shielding requirements of this chapter;
- 6. Ornamental twinkling lights are permitted when part of a window display, patio, landscape or other integral part of a business, provided that they do not exceed one-half (0.5) foot-candles at the property line and do not conflict with the provisions of Section 4-803C5f, above, related to adjacent residential use; and
 - 7. Other conditions related to lighting may be required through design review.

D. Specific Areas to be Illuminated. The following areas on a building or development shall be illuminated to the minimum security lighting levels shown below:

- 1. All loading areas and docks shall be illuminated from dusk to dawn, with four (4) foot-candles of light at finish grade to six (6) feet above finish grade;
- 2. Carport parking structures shall be illuminated from dusk to dawn, with three (3) foot-candles, including the adjacent landscape area at finish grade to six (6) feet above finish grade;
- 3. Parking structures and parking garages shall be illuminated from dawn to dusk, with ten (10) foot-candles and from dusk to dawn, with four (4) foot-candles. Sub-level parking shall be continuously illuminated twenty-four (24) hours a day with four (4) foot-candles at finish grade to six (6) feet above finish grade. Transitional lighting will be required at all entry areas;
- 4. All stairwells, landings and under areas under the lower landing shall be continuously illuminated with five (5) foot-candles;

5. Breezeway lighting shall be illuminated from dusk to dawn, with four (4) foot-candles. Transitional lighting will be required at all entry areas to the breezeway corridor;
6. Exterior pedestrian walkways and adjacent landscape areas within twenty (20) feet of the walkway shall be illuminated from dusk to dawn, with one-half (0.5) foot-candle of light from grade to six (6) feet above finish grade. Pedestrian gates shall be illuminated from dusk to dawn, with five (5) foot-candles and one (1) foot-candle within a twenty (20) foot radius;
7. Retention areas shall be illuminated from dusk to dawn, with one-half (0.5) foot-candle of light from grade to six (6) feet above finish grade;
8. Cluster or gang mailboxes shall be illuminated from dusk to dawn, with five (5) foot-candles of light for a fifteen (15) foot radius of the mailboxes;
9. Parking lots, aisles and refuse areas shall be illuminated from dusk to dawn as follows:
 - a. Parking spaces shall be illuminated with two (2) foot-candles;
 - b. Parking aisles shall be illuminated with one (1) foot-candle;
 - c. Refuse areas shall be illuminated to two (2) foot-candles, with gates five (5) foot-candles;
10. All building entrances shall be illuminated with five (5) foot-candles at the entrance and two (2) foot-candles within a fifteen (15) foot radius from the center point of the entrance; and
11. Secondary lighting may be required to supplement the primary security lighting due to design elements and landscape conflicts, in order to meet the minimum lighting criteria.

Section 4-804 Prohibited Lighting.

Except as provided under Section 4-805 Exemptions, the following types of lights are limited or prohibited, as applicable:

- A. Mercury Vapor.** The installation or use of mercury vapor fixtures is prohibited.

Section 4-805 Exemptions.

A. Exemptions. The following types of lights are exempt from the standards in Sections 4-803 and 4-804:

1. Lighting used for single-family homes and accessory buildings, provided no measurable light spills over to adjacent property;
2. Lighting specifically directed at a flag may be unshielded and unfiltered provided that the beam spread is limited to a narrow spot (approximately seven (7) degrees) and the fixture aperture is concealed by a matrix grid to limit glare;
3. Lighting of baseball fields, softball fields, football fields, soccer fields, golf courses and golf driving range, and other similar sporting venues shall be exempt from the height and shielding requirements in Section 4-803C;
4. Lighting of baseball fields, softball fields, football fields, soccer fields, golf courses and golf driving ranges, and other similar sporting venues, shall be allowed to exceed the maximum illumination limitation level of forty (40) foot-candles until 11:00 PM. No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m. except to conclude any recreational or sporting event or other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m.;
5. Automobile dealerships in the Autoplex are allowed a maximum illumination level of eighty (80) foot-candles at display areas until 11:00 pm;
6. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels is exempt from the provisions of this section;
7. City of Tempe ornamental lighting is exempt from the provisions of this section and is a permitted lighting installation;
8. Glass tubes filled with neon, argon or krypton do not require shielding or filtering;
9. Lighting necessary for construction or emergencies is exempt from the provisions of this chapter, provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting;
10. Searchlights require a temporary exemption approval, as provided in subsection 11;

11. Temporary exemptions to the requirements of this chapter may be granted by the Development Services Manager upon finding that the exemption does not violate any provision of Part 3 (Land Use) or Part 5 (Overlay Districts), and it would not pose a hardship on any adjacent property or use. Such requests shall be submitted in writing on a form provided by the Development Services Department and include the following information:
 - a. Specific exemption(s) requested;
 - b. Type and use of exterior light involved;
 - c. Duration of time for requested exemption;
 - d. Type of lamp and foot-candles;
 - e. Total wattage of lamp(s);
 - f. Proposed location of exterior light; and
12. For street lighting within the public right-of-way, the Development Services Manager or Public Works Manager may approve an alternate type of lighting not otherwise provided in this chapter if he or she finds that the proposed design, material or method:
 - a. Provides approximate equivalence to the specific requirements of this article; or,
 - b. Is otherwise satisfactory and complies with the intent of this article.

CHAPTER 9 – SIGNS

Section 4-901 Purpose and Applicability.

Section 4-902 General Sign Standards.

Section 4-903 Permitted Signs.

Section 4-904 Sign Permits, Fees and Procedures.

Section 4-901 Purpose and Applicability.

- A. Purpose.** The sign regulations are designed to encourage the creation of an attractive appearance throughout the city, while eliminating signs that may contribute to visual clutter. The regulations for signs have the following specific objectives:
1. To reflect and support the desired character and development patterns of the various zoning districts;
 2. To allow for adequate and effective signs in all zoning districts while preventing signs from dominating the appearance of the area;
 3. To distinguish between signs that require visibility from automobiles and those that are oriented to pedestrians;
 4. To require design, construction, installation, and proper maintenance so that the public safety and traffic safety are not compromised;
 5. To provide standards for location, size, construction, type, and number of signs; and
 6. To provide reasonable limits on the magnitude and extent of graphic communication presented to the public.
- B. Applicability.** The regulations in Chapter 9 are applicable to all signs in the city, except as noted in Section 4-902D and in the RCC district. Standards for business signs in the RCC district shall be established through sign criteria approved by the Design Review Board and City Council.
- C. Non-Commercial Speech.** Signs authorized in this chapter are allowed to contain non-commercial copy in lieu of any other copy.

Section 4-902 General Sign Standards.

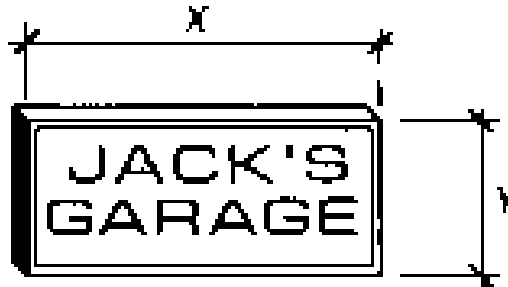
A. Definitions. For definitions related to signs, refer to Section 7-120, “S” Definitions.

B. Prohibited Signs. Prohibited signs include:

1. Non-public signs in public right-of-way or on public property except portable signs in the CC district allowed by encroachment permit, lease, or other city approved method, and approved banner signs installed pursuant to the city’s banner program;
2. Signs mounted on a building roof;
3. Signs that are mounted, attached, or painted on trailers, boats or vehicles when used as additional signage on or near the business premises; and similar signs. Business vehicles displaying signage or advertising shall be parked in an assigned parking space which is not immediately adjacent to a street frontage;
4. Signs having intermittent or flashing illumination, animated or moving parts, or that emit sound except as allowed under Section 4-903N (Menu Board) and Section 4-903V (Theater/Marquee Sign);
5. Freestanding changeable copy signs, except as allowed under Section 4-903N (Menu Board), Section 4-903R (Service Station Sign), and Section 4-903V (Theater/Marquee Sign);
6. Banners, pennants, wind-driven spinners, steamers, balloons, flags, search lights, strobe lights, holographic projections, laser light displays, beacons, inflatable signs, except as otherwise provided in Section 4-903S (Special Events Sign);
7. Signs imitating official traffic control signs, or any sign or device obscuring such signs or devices;
8. Signs mounted on, or applied to trees, utility poles, rocks, or city owned property;
9. Signs placed on private property without the property owner’s written approval;
10. Off-premise/off-site signs, except as permitted in Sections 4-903C (Boutique Directional Sign), Section 4-903M (Lead-In Sign), Section 4-903O (Political Sign), or Section 4-903T (Subdivision Advertising); and
11. Business identification/advertising signs in single-family zoning districts, except that permitted home occupations may have a business identification sign per Section 4-903D7 (Building Mounted Sign).

- C. Unauthorized Signs.** An unauthorized sign is one that is illegally displayed in the city right-of-way, on city property, or on private property without the property owner's consent. City staff may remove such signs. These signs may be disposed of, as per Sections 26-51 through 26-59 of the Tempe City Code, if unclaimed within thirty (30) days.
- D. Exempt Signs.** The following signs are exempt from this Code:
1. Traffic or other governmental street signs, such as railroad crossing signs and notices, as may be authorized by the city and do not require permits; and
 2. Signs of public utility companies indicating danger or that serve as an aid to public safety, or that show the location of underground facilities or public telephones and do not require permits.
- E. Ceased Signs.** The owner, agent, tenant or person having beneficial interest in the business, property or premises on which such sign is located shall remove ceased signs within one (1) year upon cessation of such business or sale of such product.
- F. Sign Height Measurement.** Sign height measurements are as follows:
- “Freestanding Sign”: Height is the distance from the top of the sign structure to the top of the curb. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.
- G. Sign Area Measurement.** Sign area measurements are as follows:
1. Sign area includes the areas of all the following signs on site that pertain to any one business:
 - a. Awning Sign;
 - b. Building Mounted Sign;
 - c. Freestanding Identification Sign;
 - d. Freeway Sign;
 - e. Service Station Sign; and
 - f. Theater/Museum Marquee Sign.
 2. The maximum total area for all signs on the premises for any one (1) business may be equal to forty (40) square feet plus one (1) square foot of sign area for every lineal foot of business frontage beyond forty (40) lineal feet, as measured by the business frontage. Businesses with freeway frontage may have additional sign area, see Section 4-903J (Freeway Sign).

3. Internal businesses and brands contained within a host business are allowed exterior signage. Sign area utilized by the internal business/brand shall be deducted from the sign area allowed for the host business sign area.
4. One sign face: Area of the single face only;
 - a. Sign copy mounted or painted on a background panel or area distinctively painted, textured, illuminated, or constructed as a background for the sign copy, shall be measured as the area contained within the geometric shape of the background panel or surface; and



- b. Sign copy mounted as individual letters or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, shall be measured as the area enclosed by the smallest geometric shape that will enclose all sign copy.



5. Multiple sign faces:
 - a. Two (2) faces: If the interior angle between the two (2) faces is forty-five (45) degrees or less, the area will be the area of one face only; if the angle between the two (2) sign faces is greater than forty-five (45) degrees, the sign area will be the sum of the areas of the two (2) faces;
 - b. Three (3) or more sides: Sign area will be calculated as fifty percent (50%) of the sum of all faces; and
 - c. Sign area for a sign with more than one component (e.g., a service station identification/price sign combination on a monument base, mounted on

the same surface) will be measured as the area of the smallest geometric shape that encompasses the components of the sign.

6. Free form, spherical, sculptural and other non-planar signs:
 - a. Sign area is calculated as fifty percent (50%) of the sum of the area of the four (4) vertical sides of the smallest cube that will encompass the sign.



H. Sign Illumination. Signs may be illuminated internally or externally as provided by this Code (See also, Section 4-803 and 4-804, Lighting) and/or as specified by the applicable sign criteria:

1. Sign face shall function as a filter for an internally illuminated sign;
2. Sign illumination from above shall be fully shielded;
3. Sign illumination from below shall comply with Section 4-803C5;
4. Illuminated signs shall require a sign permit, comply with the provisions of the Tempe Electric Code; and
5. Exposed electrical conduit or exposed raceways are allowed only with design review approval.

I. Sign Maintenance. Sign maintenance requirements are as follows:

1. Signs on a property shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit;

2. A damaged sign, including signs vandalized or subjected to graffiti, shall be repaired within sixty (60) days;
3. Metal pole covers and sign cabinets shall be kept free of rust and rust stains;
4. Internally illuminated sign cabinets or sign panels that have been damaged shall remain un-illuminated until repaired;
5. Signs that have been damaged to such extent that it may pose a hazard to passersby, as determined by the Development Services Manager, shall be repaired or removed immediately;
6. Maintenance of legal non-conforming signs shall be consistent with applicable Arizona law. A legal nonconforming sign that has been damaged to the extent of more than fifty percent (50%) of its reproduction value shall be removed or altered so as to conform to the provisions of Part 3, Chapter 5 Non-conforming situations; and
7. Failure to comply with these sign maintenance requirements shall constitute a violation of this Code.

J. Comprehensive Sign Package.

1. When a site is developed as a complex/center, or multi-tenant development, a comprehensive sign package shall be provided for the property, and approved through design review.
2. For tenants of complex/centers and multi-tenant developments, sign permits will only be issued for signs that comply with the previously approved comprehensive sign package, or receive approval through design review.

Section 4-903 Permitted Signs

For permitted signs, see individual requirements in this section.

Table 4-903A Permitted Signs			
Sign Types	Single-Family Districts	Multi-Family Districts	Commercial, Mixed-Use and Office/Industrial Districts
Address Sign	P	P	P
Awning Sign	N	P	P
Boutique Directional Sign	P	P	P
Building Mounted Sign	P	P	P
Construction Sign	P	P	P
Directional Sign	N	P	P
Directory Sign	N	P	P
Flags	P	P	P
Freestanding Identification Sign	N	P	P
Freeway Sign	(a)	(a)	(a)
Future Development Sign	P	P	P
Holiday Decoration	P	P	P
Lead-In Sign	P	P	P
Menu Board	N	N	P
Non-Commercial Speech	P	P	P
Political Sign	P	P	P
Portable Sign	N	N	P (CC district only)
Sale, Lease or Rent Sign	P	P	P
Service Station Sign	N	N	P
Special Event Sign	N	P	P
Subdivision Advertising	P	P	P
Subdivision Identification Sign	P	P	P
Theater/Museum Marquee Sign	N	N	P
Window Sign	N	N	P

P = Permitted

N = Not permitted

(a) See Section 4-903J.

- A. Address Sign.
- B. Awning Sign.
- C. Boutique Directional Sign.
- D. Building Mounted Signs.
- E. Construction Sign.
- F. Directional Sign.
- G. Directory Sign.
- H. Flags.
- I. Freestanding Identification Sign.
- J. Freeway Sign.
- K. Future Development Sign.
- L. Holiday Decorations.
- M. Lead-in Sign.
- N. Menu Board.
- O. Political Sign.
- P. Portable Sign.
- Q. Sale, Lease or Rent Sign.
- R. Service Station Sign.
- S. Special Event Sign.
- T. Subdivision Advertising.
- U. Subdivision Identification Sign.
- V. Theatre/Museum Marquee Sign.
- W. Window Signs.

A. Address Sign. Address sign requirements are as follows:

1. Identification signs and site addresses shall be visible from public access to the property. The height, quantity, size, location, color and material of address letters and numbers on buildings, signs and directories shall be as required by the Development Services Manager or through design review. Addresses shall be at least four (4) inches in height and have a color contrast with the background color of at least fifty percent (50%);
2. When a building is internal to a multiple building site and a directory sign is provided, the address shall be visible from the internal drive or pedestrian path;
3. One (1) and two (2) family dwellings shall provide four (4) inch address numbers on the front elevation, and on the front and rear elevations when abutting an alley. Developments, properties or sites with perimeter walls shall have the address number on the outside of the wall; and
4. No sign permit is required for a site address sign unless it is internally illuminated.

B. Awning Sign. Awning sign requirements are as follows:

1. Sign copy including logo or trademark shall not exceed fifty percent (50%) of each awning face (including valance);
2. May only be displayed on the ground floor and second floor awnings;
3. Illumination for awning signs is permitted subject to design review approval; and
4. A sign permit is required.

C. Boutique Directional Sign. Boutique directional sign requirements are as follows:

1. A boutique shall have obtained a city sales tax license prior to displaying such signs;
2. Shall only be displayed during business hours;
3. Each boutique shall be allowed a maximum of four (4) signs. Prior to displaying signs, the operator of the boutique shall provide the city with a document that specifies the locations of where each sign shall be displayed. The operator shall be responsible for limiting the signs to those specific locations;
4. Shall be portable and shall not exceed three (3) square feet in area nor three (3) feet in height;

5. Shall be placed without creating a traffic hazard, as determined by city staff. Such sign shall not be placed in a traffic median, city right-of-way, on a public sidewalk or bicycle path; and

6. No sign permit is required.

D. Building Mounted Sign. Building mounted sign requirements are as follows:

1. Shall be mounted to the wall or fascia of the building;

2. Shall be eighty percent (80%) or less of their horizontal or vertical backgrounds unless otherwise approved by design review;

3. May be flag-mounted in the Central Commercial district, and may only be located on the ground floor and second floor of the building;

4. Shall not exceed the height of the building;

5. In the multi-family district, a building mounted sign not exceeding six (6) square feet in area is permitted. The height of such sign shall not exceed ten (10) feet;

6. A sign permit is required; and

7. For one (1) and two (2) family dwellings, an identification sign not exceeding one (1) square foot in area is permitted; and a sign permit is not required.

E. Construction Sign. Construction sign requirements are as follows:

1. Shall be displayed only on the actual construction site;

2. Shall not exceed eight (8) feet in height nor thirty-two (32) square feet in area;

3. Shall be removed prior to the issuance of a certificate of occupancy for the site; and

4. No sign permit is required.

F. Directional Sign. Directional sign requirements are as follows:

1. May be a maximum of three (3) feet in height and two (2) square feet in area; and

2. No sign permit is required unless such sign is illuminated.

G. Directory Sign. Directory sign requirements are as follows:

1. Properties occupied by three (3) or more buildings shall have an internally illuminated directory that shows the street address, layout of the complex, the location of the viewer and the unit designations within the complex. Directories shall be sufficient in number and placed in locations to insure that law enforcement and emergency personnel can easily locate a particular address or individual unit;
2. Shall not exceed six (6) feet in height or twenty-four (24) square feet in area;
3. Shall not include any advertising copy; and
4. A sign permit is required.

H. Flags. Flag requirements are as follows:

1. Flag poles shall not exceed thirty-five (35) feet in height. A maximum of three (3) flagpoles are allowed on a site;
2. Any flag flown in conjunction with the United States or State of Arizona flag shall be flown beneath them and shall not exceed them in size;
3. Flag illumination (refer to lighting Section 4-805A2); and
4. A sign permit is not required.

I. Freestanding Identification Sign. Freestanding identification sign requirements are as follows:

1. Single use buildings on their own lot are allowed one (1) freestanding sign per street frontage;
2. All complex/centers/multi-tenant buildings are allowed one (1) freestanding sign per street frontage;
 - a. May include one (1) additional freestanding sign for every three hundred (300) feet after the initial six hundred (600) feet, measured from the intersection of the projected property lines.
3. Maximum height, including any supporting structures, shall be eight (8) feet, and maximum area shall be twenty-four (24) square feet;
4. May identify a center or building, and a maximum of four (4) tenants;
5. Shall have monument-type bases of masonry construction or other architectural grade material approved through design review;

6. Address numerals shall be included on all freestanding sign structures, except subdivision identification signs. The numerals shall be at least four (4) inches in height; and
7. A sign permit is required.

J. Freeway Sign. Freeway sign requirements are as follows:

1. Freestanding.
 - a. Any property or center with more than one thousand (1,000) feet of lineal frontage adjacent to a freeway right-of-way (I-10, US 60, Loop 202, Loop 101 and SR 143), may have such signs;
 - b. One (1) freestanding sign per freeway frontage;
 - c. Maximum height, including any supporting structures, shall be thirty-five (35) feet, and maximum sign area shall be one hundred twenty (120) square feet;
 - d. Sign must be located within three hundred (300) feet of freeway right-of-way;
 - e. May identify a center or building, and a maximum of four (4) tenants; and
 - f. A sign permit is required.
2. Building Mounted.
 - a. Any building, except residential, located within three hundred (300) feet of a freeway right-of-way (I-10, US 60, Loop 202, Loop 101 and SR 143), may have such signs;
 - b. The maximum total area for building mounted freeway signs on the premises may be equal to two (2) square feet of sign area for every lineal foot of building frontage adjacent to the freeway. Allocation of the total sign area to individual tenants shall be determined through a comprehensive sign package, approved by design review; and
 - c. A sign permit is required.

K. Future Development Sign. Future development sign requirements are as follows:

1. Shall include the name(s) of the project architect, developer and contractor;
2. Such signs shall be eight (8) feet in height and a maximum of thirty-two (32) square feet in area;

3. May be maintained for twelve (12) months and shall be removed prior to the issuance of a certificate of occupancy;
4. Shall not be internally illuminated;
5. Shall be located on the development site;
6. Only one sign shall be displayed per street frontage; and
7. A sign permit is required.

L. Holiday Decorations. Holiday decorations for residential uses are permitted. Holiday decorations for non-residential uses are subject to the following requirements:

1. Holiday decorations may be displayed on a temporary basis for traditionally accepted civic, patriotic or religious holidays;
2. Holiday decorations shall not be displayed sooner than thirty (30) days prior to the holiday to which they pertain, and shall be removed no later than fifteen (15) days following the holiday to which they pertain;
3. Balloons are not considered to be holiday decorations;
4. Such decorations shall not be displayed in a manner as to constitute a traffic hazard; and
5. No sign permit is required.

M. Lead-In Sign. Lead-in sign requirements are as follows:

1. Maximum height shall be three (3) feet and maximum area shall be three (3) square feet ; no illumination is allowed;
2. A maximum of four (4) signs shall be displayed for each home for sale or rent;
3. Complexes, developments or subdivisions shall not display more than four (4) such signs;
4. Shall only be displayed when a sales/lease person is on duty at the property. signs shall not be left out overnight;
5. Signs shall not be placed so as to create a traffic hazard as determined by the Development Services Manager. Such signs shall not be placed in a traffic median, public sidewalk, bicycle path on city property or in city right-of-way between the sidewalk and the curb; and
6. No sign permit is required.

N. Menu Board. Menu board requirements are as follows

1. Building Mounted Menu Board.
 - a. Shall not exceed six (6) square feet in area;
 - b. May be illuminated;
 - c. The sign area for a menu board shall not be counted in the total aggregate sign area for the business in determining the allowable sign area for the business; and
 - d. Sign permit is required if illuminated.
2. Freestanding Menu Board requirements for drive through restaurants are as follows:
 - a. Shall not exceed forty five (45) square feet in area nor eight (8) feet in height. Height and area includes accessory clip-ons;
 - b. Two signs per business are allowed. The sign(s) shall not be placed within a clear vision triangle and shall not conflict with ADA accessibility requirements;
 - c. The sign area for menu board(s) shall not be counted in the total aggregate sign area for the business in determining the allowable sign area for the business;
 - d. May be illuminated, and emit sound only as part of a transaction of business. Sound emission must comply with Tempe City Code 20-6; and
 - e. Sign permit is required if illuminated.

O. Political Sign. Political signs are regulated by this chapter in terms of their location, and time allowance because of the secondary effects associated with such signs – namely litter, traffic safety hazards, and aesthetics in general – and not because of their content. Requirements are as follow:

1. Shall only be located on property with the owner's permission;
2. Signs shall not be located on city property, in city right-of-way, or within a required clear vision area;
3. Shall be removed within ten (10) days after the relevant election. At the end of the ten (10) day period, the sign becomes an unauthorized sign, as per Section 4-902C; and
4. No sign permit is required.

P. Portable Sign. Portable sign requirements are as follows:

1. Signs are prohibited in city right-of-way, except in the CC district;
2. Signs are allowed in the CC district only, ground floor and second floor uses;
3. Signs shall not occupy required parking areas, landscaped areas, or vehicular driveways (including fire lanes);
4. May be a maximum of six (6) square feet in area and six (6) feet in height and shall not be counted in the total aggregate sign area for the business in determining the allowable sign area for the business;
5. Signs requirements are as follows:
 - a. Signs limited to one (1) sign per business;
 - b. Located within three (3) feet of the building frontage;
 - c. Located within ten (10) feet of the business entry if a ground floor use;
 - d. Located within ten (10) feet of the stairway or elevator providing access to the business if not a ground floor use;
6. Signs must allow for a minimum six (6) feet wide pedestrian path across the building frontage and to and from all building entrances and exits;
7. Signs may be displayed only during the normal hours of operation; and
8. No sign permit is required.

Q. Sale, Lease or Rent Sign. Sale, lease or rent sign requirements are as follows:

1. May be six (6) square feet in area and eight (8) feet in height;
2. Shall only be displayed on the property for which they pertain. Only one (1) sign shall be displayed per street frontage. Sign shall not be counted in the total aggregate sign area for the business in determining the allowable sign area for the business;
3. Shall not be illuminated; and
4. No sign permit is required.

R. Service Station Signs. Service station sign requirements are as follows:

1. Building Mounted Sign. Allowed per Section 4-903D.
2. Freestanding Sign.

- a. One (1) freestanding sign is allowed per street frontage;
 - b. Shall not exceed twenty-four (24) square feet in area nor eight (8) feet in height;
 - c. The price component may have changeable copy, which shall not exceed twelve (12) square feet in area;
 - d. The sign shall have a monument base of masonry construction or other architectural grade material approved through design review;
 - e. Address numerals shall be included on all freestanding sign structures. The numerals shall be at least four (4) inches in height; and
 - f. A sign permit is required.
3. Pump-Topper Sign.
- a. Shall not exceed three (3) feet in area and does not count towards total sign area for the business;
 - b. Such signs may display instruction, price, or advertising copy pertaining to any product sold on site; and
 - c. No sign permit is required;
4. Canopy Sign.
- a. Maximum two (2) signs per canopy;
 - b. Shall not exceed six (6) square feet per sign;
 - c. May be illuminated; and
 - d. A sign permit is required.

S. Special Event Sign. Special event sign requirements are as follows:

- 1. Grand Opening Sign.
 - a. All businesses shall be permitted to display grand opening signs, on a one-time basis, for a maximum of thirty (30) consecutive days. Grand openings may be extended by written approval of the Development Services Manager in the event that a business is currently processing through Design Review Board for sign approval, but in no event shall the permit extension exceed sixty (60) days in duration;

- b. Grand opening permits may include banners, pennants, wind-driven spinners, streamers, balloons, flags and inflatable signs; and
 - c. A sign permit is required and must be displayed visible to the public during the allowed time of the permit.
- 2. Significant Event Sign.
 - a. Limited to one (1) event per year for up to seven (7) consecutive days;
 - b. May include banners, pennants, wind-driven spinners, streamers, balloons, flags and inflatable signs; and
 - c. A sign permit is required and must be displayed visible to the public during the allowed time of the permit.
- 3. Going Out of Business Sign.
 - a. All businesses shall be permitted to display going out of business signs on a one (1) time basis for a maximum of thirty (30) consecutive days;
 - b. The business shall cease and be discontinued at that specific location upon the disposal of the stock of goods on hand or after thirty (30) days, whichever comes first after the going out of business signage is first displayed;
 - c. May include banners, pennants, wind-driven spinners, streamers, balloons, flags, and inflatable signs; and
 - d. A sign permit is required and must be displayed visible to the public during the allowed time of the permit.

T. Subdivision Advertising. Subdivision advertising requirements are as follows:

- 1. May be maintained for a period of two (2) years, or until all the lots in the subdivision are sold, whichever occurs first;
- 2. May be illuminated, but shall not be located within one hundred (100) feet of any existing structure;
- 3. One (1) sign shall be displayed per street frontage (perimeter), with a maximum of two (2) such signs per recorded subdivision;
- 4. Shall not exceed eighty (80) square feet in area nor twelve (12) feet in height;
- 5. Any off premise subdivision advertising sign shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height and shall require a use permit;

6. Total maximum allowable sign area shall not exceed one hundred sixty (160) square feet per recorded subdivision including all on-site and off-site signs;
7. Festive flags allowed with a maximum height of three (3) feet; and
8. A sign permit is required.

U. Subdivision Identification Sign. Subdivision identification sign requirements are as follows:

1. May be used to identify a subdivision;
2. May be wall mounted or freestanding;
3. Each sign shall not exceed eight (8) feet in height, nor twenty-four (24) square feet in area;
4. A twenty-four (24) square foot sign may be displayed on either side of a street providing direct access to the subdivision and serving as a major entry;
5. May be illuminated per Section 4-902H; and
6. A sign permit is required.

V. Theater/Museum Marquee Sign. Theater/Museum marquee sign requirements are as follows:

1. Theater/Museum Marquee signs may use intermittent or scrolling illumination, or changeable copy to display civic, theatrical or performance information;
2. Building Mounted.
 - a. Shall be mounted to the wall or fascia of the building;
 - b. Shall be eighty percent (80%) or less of their horizontal or vertical backgrounds unless otherwise approved by design review;
 - c. Shall not exceed the height of the building; and
 - d. A sign permit is required.
3. Freestanding.
 - a. Theaters and museums are allowed one (1) freestanding sign per street frontage of the lot, center or complex in which the theater/museum is located;

- b. Maximum height, including any supporting structures, shall be eight (8) feet, and maximum area shall be twenty-four (24) square feet;
- c. Address numerals shall provided on a freestanding sign structure, per Section 4-903I6 (Freestanding Identification Sign); and
- d. A sign permit is required.

W. Window Sign. Window sign requirements are as follows:

- 1. Shall be limited to twenty-five percent (25%) of the total window area in which it is placed, including all graphics and trademarks. For the purposes of this Code, doors are not considered windows and the twenty-five percent (25%) limitation is measured as the smallest rectangle to include all graphic, logos, and copy. Sign requirements may be modified or revised by the Development Services Manager when necessary for security and crime prevention;
- 2. Shall not be placed above the ground floor of the building without Design Review Board approval; and
- 3. No sign permit is required.

Section 4-904 Sign Permits, Fees and Procedures.

A. Sign Permits and Fees.

- 1. A sign permit shall be required in order to erect, install, relocate, modify or change any sign within the city. “Modify”, as it is used herein, shall mean any change in or to an existing sign, its face, copy, colors or supporting structures; except that maintenance of a sign shall not be considered a modification.
- 2. Failure to conform to the conditions of a sign permit, including any conditions or stipulation attached thereto by the City Council or other decision-making body, shall render such permit void.
- 3. Fees for sign permits shall be required and payable in such sums as the City Council may, from time to time, establish by resolution.
- 4. All electrical work must comply with the Tempe Electrical Code.

B. Permit Procedures. Sign Permit Criteria. Sign permits are subject to review and approval by the Development Services Manager, or Design Review Board, as per Section 6-101. The following information shall be submitted to obtain a sign permit, except as may be waived or modified by the Development Services Manager:

1. Two (2) drawings, prepared to scale, of the proposed signage shall be submitted to the Development Services Department and shall include all of the following information:
 - a. The address of the site for the proposed signage;
 - b. All sign dimensions, including the height of the signage and all sign area calculations;
 - c. Sign materials and colors;
 - d. A development plan showing the proposed locations of signage;
 - e. Building elevations drawn to scale and dimension showing proposed locations of signage;
 - f. Details of the light fixture or other source of sign illumination;
 - g. Details of visual screening or shielding of the light fixture;
 - h. The applicant's name, name of business, business address, and work telephone number; and
 - i. The fee as required.

PART 5 – OVERLAY ZONE DISTRICTS

Chapter 1 – Rio Salado Overlay District

Chapter 2 – Southwest Tempe Overlay District

Chapter 3 –Light Industrial Overlay District

CHAPTER 1 – RIO SALADO OVERLAY DISTRICT

Section 5-101 Purpose.

Section 5-102 General Regulations.

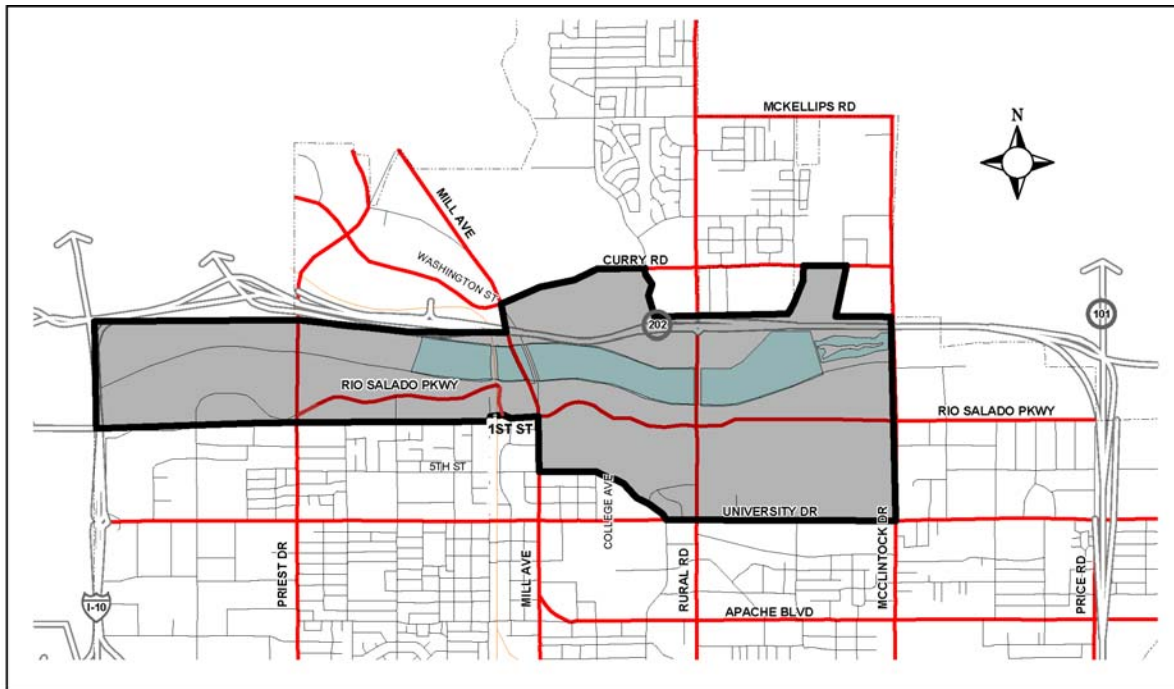
Section 5-103 Additional Information and Regulations.

Section 5-104 Boundaries.

Section 5-101 Purpose.

The purpose of the Rio Salado Overlay District is to accomplish the objectives of the specific plan referred to as the "Tempe Rio Salado Plan" as adopted by the City Council. This district is necessary to provide an opportunity for a smooth transition to adjacent land uses.

Figure 5-101. Rio Salado Overlay District Boundary Map



Section 5-102 General Regulations.

- A. **Rio Salado Advisory Commission.** Except where superceded by the Redevelopment Review Commission (RRC), the Rio Salado Advisory Commission shall be notified of all requests for zoning changes, use changes, variances, proposals for construction or major alteration of buildings or site work. The Rio Salado Advisory Commission shall be given the opportunity to comment and make recommendations prior to formal city action, and shall respond within ten (10) working days of receipt of a request by the city. If the Rio Salado Advisory Commission does not respond within the prescribed time period, the lack of a response shall not be considered as supporting or opposing the project, but only as declining the opportunity to comment. The Rio Salado Advisory Commission may delegate to its standing committee, the project review committee, all or part of these responsibilities for comment or recommendation.
- B. **Review Procedure and Criteria.** Except as modified by the Redevelopment Review Commission (RRC) procedures in Section 1-306, proposals will be evaluated by the Tempe Rio Salado Advisory Commission, Board of Adjustment, Planning and Zoning Commission, Design Review Board or City Council in accordance with the overall intent of the following Tempe Rio Salado Plan objectives:
1. Encourage the optimum development of land along the Salt River including: residential, commercial or industrial, open space, transportation and circulation, public facilities and services and adjoining land uses;
 2. Promote the development of recreational facilities; and

3. Combine flood control with environmental design including the integration of lakes, ponds and streams.

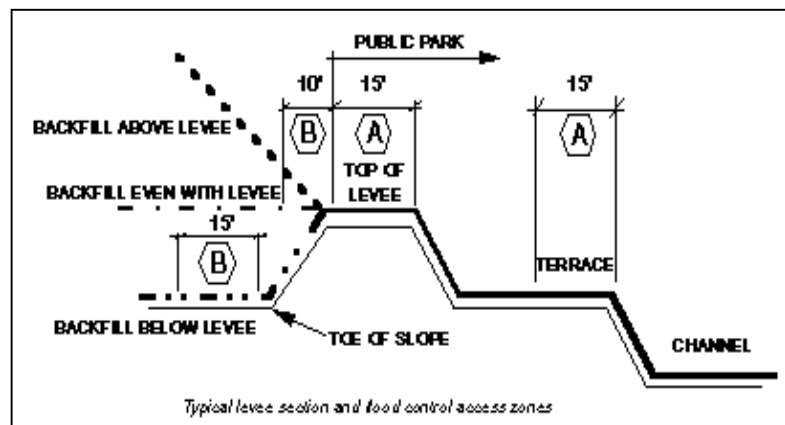
Section 5-103 Additional Information and Regulations.

The following additional requirements apply:

A. Flood Control. Flood control access zones in the district are:

1. Zone "A": No objects or structures of any kind that would impede the motion of a maintenance vehicle are permitted in the fifteen (15) feet closest to the channel on either the levee or terrace as shown in Figure 5-103A;
2. Zone "B": Only landscaping and removable benches, ramadas or similar equipment that are approved by both the Flood Control District of Maricopa County and the city are permitted either in the ten (10) feet adjacent to the levee when the backfill is even with the top of the levee or the fifteen (15) feet adjacent to the base of the levee when the backfill is below the top of the levee as shown above. Replacement of any structural or landscape features within Zone "B" that are damaged as a result of emergency maintenance activities by the Flood Control District of Maricopa County shall be the sole responsibility of the owner or lessee of the site on which the features are located; and
3. When the backfill is above the top of levee, Zone "A" restrictions apply, but there are no Zone "B" restrictions on objects or structures with regard to maintenance vehicle access.

Figure 5-103A. Flood Control



City code reference—See TCC sections on bikeways; TCC §11-1 et seq., design review; TCC §12-16 et seq., flood control; TCC §12-56 et seq., storm water retention.

Section 5-104 Boundaries.

The location and boundaries of the Rio Salado Overlay District are established as shown on the map entitled "Zoning Map, City of Tempe", dated September 2, 1976, as amended.

CHAPTER 2 – SOUTHWEST TEMPE OVERLAY DISTRICT

Section 5-201 Purpose.

Section 5-202 General Regulations.

Section 5-203 Prohibited Uses.

Section 5-204 Special Regulations, Building Design.

Section 5-205 Yard, Height, Area and Density Requirements.

Section 5-206 Boundaries.

Section 5-201 Purpose.

The purpose of the Southwest Tempe Overlay District is to accomplish the objectives of the General Plan. This district is necessary to provide an opportunity for intense development with high standards.

Figure 5-201. Southwest Tempe Overlay District Boundary Map



Section 5-202 General Regulations.

- A. Land Use.** All uses shall comply with the minimum regulations of the underlying zoning. All uses permitted in the underlying district, including uses permitted subject to use permits, are similarly permitted in the Southwest Tempe Overlay District, except as provided herein. Where the regulations for the overlay district differ from those of the underlying zoning the more restrictive regulations shall apply. In the granting of use permits the decision-making body must find that the proposed use is compatible with the overall intent of the Tempe General Plan.
- B. Review Procedure and Criteria.** Development proposals shall be evaluated by the decision-making body in accordance with the overall intent of the following Southwest Tempe Overlay District objectives with emphasis on but not limited to:
1. Encouraging the optimum development of land along the I-10 freeway and in the southwest portion of the city, thus promoting the development of a regional shopping center, major auto mall and other major retail uses. Such activities should be located in a master planned development adjacent to the I-10 freeway;
 2. Vehicular access to any individual automotive dealership should be from non-arterial streets;
 3. The overall site design of any individual automotive dealership, its buildings, parking areas, access points and signage should not adversely affect the present or potential development of nearby sites (either residential or commercial) or the traffic pattern on nearby streets;
 4. Sites for individual dealerships should be of sufficient size to provide for adequate visitor and employee parking, external display of vehicles for sale and appropriate buffering of repair operations;
 5. Spot or strip zoning patterns or uses should be discouraged;
 6. Used vehicles should be sold only in conjunction with new car sales; and
 7. Stabilizing the economic base of the city.

Section 5-203 Prohibited Uses.

- A. Prohibited Uses.** The following are prohibited uses:
1. Abattoirs, stockyards and rendering plants;
 2. Junkyards, wrecking yards and salvage yards; and
 3. Sand and gravel excavating operations.

Section 5-204 Special Regulations, Building Design.

- A. **Architect's Design.** All main buildings or primary structures shall be designed by an architect registered in the State of Arizona.
- B. **Plan Submittal.** The applicant shall provide the city with sufficient architectural, landscaping and site details at the time of original submittal for the city to judge the quality of the project.

Section 5-205 Yard, Height, Area and Density Requirements.

All development must conform to the requirements of the underlying zoning districts, except a twenty-five (25) foot increase in the maximum allowable building height shall apply in all zoning districts west of Kyrene Road, except single-family residential and agricultural districts.

Section 5-206 Boundaries.

The location and boundaries of the Southwest Tempe Overlay District are established as shown on the map entitled "Zoning Map, City of Tempe", dated _____, as amended.

CHAPTER 3 – LIGHT INDUSTRIAL OVERLAY DISTRICT

Section 5-301 Purpose.

Section 5-302 General Regulations.

Section 5-303 Uses Requiring a Use Permit.

Section 5-304 Boundaries.

Section 5-301 Purpose.

- A. **Purpose.** The purpose of Light Industrial Overlay District (LIOD) is to provide a smooth transition from the LIOD to adjacent single-family residential districts. Projects in the LIOD zoning districts will be reviewed to assure the public that an appropriate transition is established while use of the property as permitted by the Code is still allowed.
- B. **Applicability.** The standards of the LIOD shall apply whenever a light industrial zoning district is adjacent to a single-family residential district, or is separated from a single-family district only by an alley, tract, canal or easement (excluding AG, Agricultural and R1-PAD).

Section 5-302 General Regulations.

- A. **Land Use.** All uses shall comply with the regulations of the underlying zoning. Where the regulations for this district differ from those of the underlying zoning the more restrictive provisions shall apply.
- B. **Development Plan.** Prior to development, or expansion of more than twenty-five (25) percent of a building or a use existing on the effective date of this section, a development plan shall be submitted for all LIOD properties for a public hearing with the City Council or Redevelopment Review Commission as applicable. Such development plan shall show all parking areas, loading and refuse areas, drives, access ways, location and dimensions of buildings and structures, all elevations of such buildings and landscape. This hearing shall conform to the provisions of Part 6 of this Code. Variances and use permits may be applied for in conjunction with the plans. Development plans will be evaluated by the applicable hearing body in accordance with the intent of ensuring that an appropriate transition between the LIOD zoning district and the adjacent residential uses is provided, while allowing the use of the property as permitted by the zoning district.

Section 5-303 Uses Requiring a Use Permit.

A. Uses Requiring a Use Permit. All uses shall be subject to the regulations of the underlying district and in addition the following uses shall be subject to a use permit:

1. Any use that includes the use of trucks in excess of five (5) ton capacity before 6:00 a.m. or after 10:00 p.m.;
2. Any use that requires a type H occupancy based upon the Uniform Building Code (storage of hazardous materials);
3. Body shops and private garages (repair facilities); and
4. Any use not appearing in this Code which is similar to these uses, as determined by the Zoning Administrator, may be permitted upon securing a use permit.

Section 5-304 Boundaries.

The boundaries of the Light Industrial Overlay District are defined as all lots adjacent to a single-family residential district, or separated from a single-family district by an alley, tract, easement, or canal (excluding AG, Agricultural and R1-PAD).

PART 6 – APPLICATIONS AND REVIEW PROCEDURES

Chapter 1 – Approval and Appeal Authorities

Chapter 2 – Application Submittal and Review

Chapter 3 – Applications

Chapter 4 – Public Notices and Staff Reports

Chapter 5 – Public Meetings and Public Hearings

Chapter 6 – Conditions of Approval

Chapter 7 – Reconsideration of Decisions

Chapter 8 – Appeals

Chapter 9 – Time Extension, Revocation, and Transfer of Permits/Approvals

CHAPTER 1 – APPROVAL AND APPEAL AUTHORITIES

Section 6-101 Summary Decision Matrix.

The following table describes the decision-making authority and the appeal authority for the approvals that may be granted under this Code. Where more than one body may be the decision or appeal body for a specific type of approval, the Development Services Manager is responsible for determining the applicable decision or appeal body.

Table 6-101A – Applications by Decision Body and Type of Procedure¹

Type of Procedure:	Decision Body:	DS MGR	ZA	ORIGINAL	HO	BA	DRB	PZ	RRC ²	CC	Superior Court	Nghd Meeting	Code Reference
Abatements					D	A					A		ZDC 6-311
Annexation										D			ARS 9-471
Code Interpretation/ Similar use Rulings			D			A					A		ZDC 6-301
Code Text Amendment								Rev	Rev	D	A		ZDC 6-305
Development Plan Major (all new development & expansions over 5,000 square feet, except single-family homes not included in a PAD) Minor (expansions up to 5,000 square feet or 20% of existing building, which ever is less; and two- and three-family dwelling projects)							D		D	A	A		ZDC 6-307
	D						A		A	A	A		ZDC 6-307
General Plan Amendment								Rev	Rev	D	A	Yes	ZDC 6-303
Major Amendment								Rev	Rev	D	A	Yes	ZDC 6-303
Lot Line Adjustment										D			TCC 30
Lot Split		D								A			TCC 30
Modify Approved Plan, PAD or Condition of Approval:													
Major Modification				D							A	Yes	ZDC 6-313
Minor Modification	D			A							A		ZDC 6-313
Planned Area Developments (PADs) and PAD Amendments							D	D	D	A		Yes	ZDC 6-306
Preliminary Review Process		D											ZDC 6-302
Shared Parking Approvals		D				A					A		ZDC 6-312
Sign Permit		D					A			A			ZDC 4-904
Subdivision								Rev		D			TCC 30
Time Extension		D		D									ZDC 6-901
Use Permit					D	D/A		D	D	D/A	A	Yes	ZDC 6-309
Variance					D	D/A		D	D	D/A	A	Yes	ZDC 6-310
Zoning Map Amendment (Re-Zoning)								Rev	Rev	D	A	Yes	ZDC 6-305

1. Where this Code identifies more than one possible decision or appeal body, the Development Services Manager shall determine which body is applicable to a particular project.

2. Review or decision-making body determined by project location for the RRC.

KEY

DS MGR = Development Service Manager or his or her designee

ZA = Zoning Administrator

ORIGINAL = Decision body that made the original decision (modifications)

HO = Hearing Officer

BA = Board of Adjustment

DRB = Design Review Board

PZ = Planning and Zoning Commission

RRC = Redevelopment Review Commission

CC = City Council

Rev = Reviews and recommends action to City Council

D = Decision-making body

A = Appeal Authority

Nghd. Meeting = Neighborhood Meeting

CHAPTER 2 – APPLICATION SUBMITTAL AND REVIEW

Section 6-201 Initiation and Withdrawal of Application.

Section 6-202 Application Submittal.

Section 6-203 Application Acceptance.

Section 6-204 Administrative Review.

Section 6-205 Public Meeting Review.

Section 6-206 Public Hearing Review.

Section 6-207 Legislative Review.

Section 6-201 Initiation and Withdrawal of Application.

- A. Initiation of Application.** An application may be initiated under this Code by the City Council or a property owner. The property owner's written authorization shall be required for all applications, except that the City Council may initiate an application without the owner's authorization for a zoning (zoning district) amendment.
- B. Withdrawal.** An applicant may withdraw an application at any time or the Development Services Manager may withdraw an application at the request of the applicant.

Section 6-202 Application Submittal.

- A. Application Forms and Submittal Requirements.** Applications under the Tempe Zoning and Development Code shall be submitted to the Development Services Department, in accordance with the format and upon such forms as may be established by the Development Services Manager. Applications must be signed by the property owner or the property owner's authorized representative, except that applications initiated by the City Council must be signed by the Development Services Manager.
- B. Preliminary Reviews.** Projects requiring preliminary review under Section 6-302, shall complete a preliminary review before an application is submitted to the city for formal review under Sections 6-203A, Review for Completeness, 6-205 Public Meetings, and 6-206, Public Hearing Review.
- C. Concurrent Review of Applications for Same Project.** The applicant or Development Services Manager may elect to combine multiple applications for concurrent review when the applications are for the same project and the same

decision-making body is responsible for reviewing all of the applications related to the project. For example, the Zoning Administrator may review an application for a code interpretation concurrently with an application for a non-conforming use determination; and the Planning and Zoning Commission may review an application for Planned Area Development (PAD) approval concurrently with a variance application that relates to the PAD.

Section 6-203 Application Acceptance.

- A. Review for Completeness.** The Development Services Manager shall review the application for completeness, in conformance with this section. The city will not schedule a meeting or hearing date until the application is complete. If the applicant fails to submit the missing information within sixty (60) days of the first submittal, the Development Services Manager may notify the applicant that the application can not be accepted and a new application will be required for the proposed project. The Development Services Manager's decision is not subject to appeal; nor shall it be construed as denial of the application.
- B. Complete Application.** A complete application is one which fulfills the following requirements:
1. A completed original application form that is signed by the property owner or his or her authorized representative agent, or the Development Services Manager for applications initiated by the City Council. In lieu of signature by property owner, a letter of authorization shall substitute;
 2. Application fee, payable to the City of Tempe in accordance with the fee schedule in effect at the time of application (see Appendix G);
 3. The applicant for public hearings shall provide the current Maricopa County tax map(s) showing the subject property(ies) and all properties within three hundred (300) feet of the subject property(ies) and a list of the names and addresses of the owners of record. For projects with commercial, industrial or mixed-use zoning, applicants shall provide the names and mailing addresses of all tenants, within the subject property(ies). For projects containing more than one (1) parcel, or phases of a larger project, the three hundred (300) foot measurement shall be taken from the perimeter of the entire project (all phases). The Development Services Department will provide a list of recognized neighborhood and homeowner associations, within the vicinity of the project, for notification;
 4. Plans, exhibits, studies, and/or other information required pursuant to Chapter 3, Applications;
 5. A letter explaining the nature and intent of the proposed development and reasons justifying the request. References to the effects produced by the

request upon surrounding neighborhoods, and the city at large, should be included; and

6. Additional information such as development plans, elevations, Planned Area Development plans, landscape plans, traffic analysis impact studies, or other information directly related to the applicable Code standards, as deemed essential by the Development Services Manager, to evaluate the application for compliance with those criteria and standards.

- C. **Processing Application.** Processing of an application indicates only that the application is ready for review. The Development Services Manager may accept additional information from the applicant at the discretion of the Manager during the review process.

Section 6-204 Administrative Review.

The steps in reviewing administrative applications are:

- A. **Preliminary Review Process** (as determined by the Development Services Manager). See Section 6-302.
- B. **Submit Application.** The applicant submits an application in accordance with Section 6-202.
- C. **Completeness Determination.** The Development Services Manager, or his or her designee, reviews the submittal for completeness. See Section 6-203.
- D. **Review.** City staff reviews the application and approves, approves with conditions, or denies the request.
- E. **Notice of Decision.** The Development Services Manager, or his or her designee, provides notice of the decision in writing to the applicant or the applicant's representative and owners of the subject property.
- F. **Appeal.** Any appeals of an administrative decision shall be filed no later than fourteen (14) calendar days after the date on which the decision was rendered. Such appeal shall be processed to the appropriate decision-making body. See Section 6-101.

Section 6-205 Public Meeting Review.

The steps in reviewing public meeting applications are:

- A. **Preliminary Review Process** (as determined by the Development Services Manager). See Section 6-302.

- B. Submit Application.** The applicant submits an application in accordance with Section 6-202.
- C. Completeness Determination.** The Development Services Manager, or his or her designee, reviews the submittal for completeness. See Section 6-203.
- D. Schedule Public Meeting.** The Development Services Manager, or his or her designee, schedules and provides notice of a public meeting with the applicable decision body.
- E. Review and Public Meeting.** Staff reviews the application and provides comments to the Development Services Manager or his or her designee. City staff provides the comments to the decision-making body, who may approve, approve with conditions, or deny the application following a public meeting.
- F. Notice of Decision.** The Development Services Manager, or his or her designee, provides notice of the decision in writing to the applicant or the applicant's representative and owners of the subject property.
- G. Appeal.** Any appeals of a public meeting decision shall be filed no later than fourteen (14) calendar days after the date on which the decision was rendered. Such appeal shall be processed to the appropriate decision-making body. See Section 6-101.

Section 6-206 Public Hearing Review.

The steps in reviewing public hearing applications are:

- A. Preliminary Review Process.** See Section 6-302.
- B. Submit Application.** The applicant submits an application in accordance with Section 6-202.
- C. Completeness Determination.** The Development Services Manager or his or her designee reviews the application for completeness. See Section 6-203.
- D. Neighborhood Meeting.** The applicant is responsible for conducting an informational neighborhood meeting. See Section 6-402.
- E. Schedule Public Hearing.** Staff schedules a public hearing with a decision-making body. See Section 6-101.
- F. Post Notice on Property.** Staff posts property with notice of hearing at least fifteen (15) calendar days prior to hearing date. See Section 6-404.
- G. Mail Notice.** At least fifteen (15) calendar days prior to the hearing, staff mails notice of the pending application to owners of property within three hundred (300)

feet of the subject site. Staff will also mail notices to neighborhood association(s) and home owners associations, in the area where the site is located. See Section 6-404C.

- H. Review.** Staff reviews the application and provides comments to the Development Services Manager, or his or her designee, who will then prepare a staff report in accordance with Section 6-406.
- I. Public Hearing.** A public hearing(s) is held before the decision-making body, as identified in Section 6-101. The decision-making body renders a decision on the application.
- J. Notice of Decision.** The Development Services Manager, or his or her designee, provides notice of the hearing body's decision in writing to the applicant or the applicant's representative and owners of the subject property.
- K. Appeal.** When the City of Tempe is the appellate body, appeals shall be filed within fourteen (14) calendar days from the date of the decision which is being appealed. When the Superior Court is the appellate body, appeals shall be filed within thirty (30) calendar days from the date of the decision which is being appealed.

Section 6-207 Legislative Review.

For requirements related to City Council review, please refer to City Charter, Section 2.11, Action Requiring Ordinances in General, and Arizona Revised Statute 9-461.06.

CHAPTER 3 – APPLICATIONS

Section 6-301	Code Interpretations and Similar Use Rulings.
Section 6-302	Preliminary Review Process.
Section 6-303	General Plan Amendment.
Section 6-304	Specific Area Plan.
Section 6-305	Zoning Map and Code Text Amendment.
Section 6-306	Planned Area Development.
Section 6-307	Development Plan Review.
Section 6-308	Subdivisions, Lot Splits and Adjustments.
Section 6-309	Use Permit.
Section 6-310	Variances.
Section 6-311	Abatement.
Section 6-312	Shared Parking.
Section 6-313	Modify Approved Plan, PAD, Use Permit, or Condition of Approval.
Section 6-314	Security Plan.

Section 6-301 Code Interpretations and Similar Use Rulings.

- A. Purpose.** Any use not appearing in this code which is similar to, and not more detrimental than the uses permitted herein, as determined by the Zoning Administrator, may be permitted based on a code interpretation and similar use ruling.
- B. Procedure.** Code interpretations and similar use rulings are processed as administrative review decisions by the Zoning Administrator. Decisions by the Zoning Administrator may be appealed to the Board of Adjustment. (Please refer to the Development Services Department for application requirements.)
- C. Approval Criteria.** The decision-making body shall base its decision on the definitions and other provisions contained in this Code, relevant city policy, and/or any applicable State or Federal law or case law.

- D. **Record.** Code interpretations and similar use rulings shall be catalogued and kept in the Zoning and Development Code Appendix.

Section 6-302 Preliminary Review Process.

- A. **Purpose.** The purpose of the preliminary review is intended to acquaint the prospective applicant or applicant's representative(s) with the requirements of this Code, the General Plan and other relevant city policies and regulations. Preliminary review is intended to be informative and identify potential issues. Applications must comply with the standards in effect at the time of application submittal.
- B. **Applicability.** The preliminary review is required for major development plans, PADs, and subdivisions, but is not required for single-family dwellings or structures that are accessory to a single-family dwelling. Minor development plans and exterior modifications to existing development may require preliminary review upon determination of the Development Services Manager. A preliminary review may also be held if requested by the prospective applicant or applicant's representative for any proposal.
- C. **Application Requirements.** The applicant or applicant's representative is responsible for providing information to the city that is sufficient to describe the proposed use and/or development. (Please refer to the Development Services Department for application requirements.)
- D. **Preliminary Review Conference.** Staff from the reviewing city departments and divisions will provide comments. After the plans have been compiled, staff will contact the applicant or applicant's representative to schedule a preliminary review conference, which shall be held at the Development Services Department by appointment. Staff will review the comments with the applicant or applicant's representative at the preliminary review conference and provide information on city code requirements, procedures, and other relevant city policies and regulations.

Section 6-303 General Plan Amendment.

- A. **Purpose.** The General Plan is an evolving document that is designed to change based on community needs. The purpose of a General Plan amendment is to facilitate reasonable changes in effort to maintain a livable and sustainable urban environment that is sensitive to issues that impact where people live, learn, work and play.
- B. **Applicability.** There are two (2) types of amendments to the General Plan, amendments and major amendments. Any change to the maps or text of the General Plan, is an amendment to the General Plan. Any change determined by the Development Services Manager to be a major amendment has additional processing

requirements. A proposed plan or project would require a major amendment to the General Plan if any one (1) of the following apply:

1. The plan is a specific area plan, as provided in Section 6-304;
2. The plan or project results in significant alteration to or deviation from the Water Master Plan;
3. The plan or project results in significant alteration to or deviation from the Comprehensive Transportation Plan; and
4. The plan or project decreases the acreage of any projected land use at the time of application by the following criteria:
 - a. Residential land use by one percent (1%);
 - b. Open space land use by one percent (1%); or
 - c. Any other land use category by two percent (2%).

(For the acreage resulting in a major amendment, see the land use element chart of projected land uses, which is subject to update. Calculation will be made with the most updated data at the time of application.)

C. Procedure.

1. Application Submittal to Commission:
 - a. Amendments. Shall be processed to the Planning and Zoning Commission or Redevelopment Review Commission, as applicable, for at least one (1) public hearing, using the public hearing procedure in Section 6-206; and
 - b. Major amendments. Shall be processed to the Planning and Zoning Commission or Redevelopment Review Commission, as applicable, for two (2) or more public hearings, using the public hearing procedure. Hearings shall be in different locations to encourage community participation.
2. Application Forwarded to Council:
 - a. Amendments. Shall be presented to City Council during at least one (1) public hearing, for the amendment and resolution;
 - b. Major Amendments. Shall be presented to City Council for at least two (2) public hearings;
 - c. Final hearings on major amendments must be held at one (1) single public hearing in the calendar year that proposed amendments are made. This annual meeting shall be held in October, at a date to be determined by the Council; and

- d. Major amendments shall also be approved by an affirmative vote of at least two-thirds (2/3) of the City Council.
3. Final Hearing Notification Requirements. At least sixty days (60) before either an amendment or major amendment, staff shall transmit the proposal to the applicable commission and the City Council and submit a copy for review and comment to:
- a. The planning agency of Maricopa County;
 - b. Each municipality that is contiguous to the corporate limits of the city;
 - c. The regional planning agency within which the city is located;
 - d. The Department of Commerce or any other state agency that is subsequently designated as the general planning agency for the state;
 - e. Any person or entity that requests in writing to receive a review copy of the proposal; and
 - f. Notice of time and place of hearings and availability of relevant materials shall be:
 - i. Advertised by publication at least once, in a newspaper of general circulation in the city, at least fifteen (15) and not more than thirty (30) calendar days before the hearing;
 - ii. Posted on the website at least fifteen (15) and not more than thirty (30) calendar days before the hearing;
 - iii. Posted at the City Council Chambers and Clerks Office at least twenty-four (24) hours prior to such meetings, in accordance with Arizona open meeting law;
 - iv. If modifying a map, then post property with dates, times and locations of the public hearings, and a summary of the amendment. Such notice shall be clearly legible and wherever possible, placed adjacent to the right-of-way or a public street or road for maximum visibility. Posting shall be done not less than fifteen (15) and not more than thirty (30) calendar days before the first hearing. It shall not be the responsibility of the city to maintain the notice once it has been placed on the subject property; and
 - v. If modifying a map, then mailed notification of public hearings shall be sent not less than fifteen (15) and not more than thirty (30) calendar days before the first hearing to:

- a. The applicant or representative and the owners of the subject property;
- b. All property owners of record within three hundred (300) feet of the subject property which are included on the mailing list submitted by the applicant; and
- c. The chairperson of the registered neighborhood association(s) and home owners association(s) in which subject property is located.

D. Approval Criteria. No General Plan amendment shall be approved unless it has substantial conformance with the criteria below, and any other criteria determined by the City Council.

- 1. Appropriate short- and long- term public benefits;
- 2. Minimal negative impacts on land use, water infrastructure or transportation;
- 3. Helps the city attain applicable objectives of the General Plan;
- 4. Provides rights-of-way, transit facilities, open space, recreational amenities or public art;
- 5. Potentially negative influences are mitigated and deemed acceptable by the City Council; and
- 6. Judgment of the appropriateness of the amendment with regard to market demands, and impacts on surrounding area, service, fiscal, traffic, historic properties, utilities and public facilities.

State law reference – ARS 9-461.06 Adoption and amendment of General Plan

Section 6-304 Specific Area Plan.

A. Purpose. A Specific Area Plan (SAP) is a policy plan that amends the General Plan and may also be used as the basis to establish an overlay district through a zoning amendment. The SAP provides criteria and guidelines deemed necessary or desirable to provide specificity for planning in a particular area. An overlay district contains regulations that implement and enforce the SAP.

B. Applicability. SAPs may be initiated by the property owner(s) within an area requesting a SAP. The following criteria must be met:

- 1. Minimum of one hundred (100) contiguous acres to the nearest property line (including all rights-of-way, streets, alleys, parks and other publicly owned land);

2. Identified need for a SAP, such as special or unique local conditions warranting more detailed attention than offered by the General Plan; or problems that conventional planning techniques, or market forces have been unable to address; or perceptions of the area (noise, crime, traffic) that may impact desirability or quality of life of the area; and
3. Signatures of the private property owners supporting the need and initiation of a SAP must be submitted from thirty-three percent (33%) of the properties within the proposed plan area. Only one (1) owner's signature per property parcel is permitted.

C. Procedure. All planning, production and notification costs to be incurred by the applicant. Requests for staff assisted planning requires a request to Council for prioritization and funding. This section describes the procedures for developing a SAP, including public participation requirements.

1. Prior to creating a SAP:
 - a. At least thirty (30) days before initiation of a SAP process, a meeting shall be held in or near the subject area to inform interested persons of the possible initiation of a SAP and the procedures to be followed during preparation and review of the proposed plan;
 - b. At least fifteen (15) days prior to the meeting, mailed written notice shall be made to all property owners in and within three hundred (300) feet of the proposed area, (excluding streets, alleys and rights of ways), homeowners and neighborhood association chair persons, and applicable boards and commissions;
 - c. At least fifteen (15) days before the meeting, notice of the meeting shall be published once in a newspaper of general circulation and posted in the area proposed to be included in the SAP; and
 - d. Prior to initiating the SAP, the area must be defined and signatures of thirty-three percent (33%) of the properties must be collected as defined in Section 6-304B above.
2. Creating a SAP:
 - a. Collection of data and inventory of existing conditions such as population, facilities, services, open space, natural and cultural resources, real estate trends, etc.;
 - b. Identification of opportunities and constraints;
 - c. Notification of property owners in and within three hundred (300) feet of the area, homeowners and neighborhood association chair persons,

businesses, schools, civic and faith groups within the area will be invited to attend an issue identification and visioning meeting;

- d. Additional meetings may be held as necessary to develop the document. Attendance and comments from all meetings must be documented as part of the public process;
- e. Create document with goals, objectives and implementation strategies following format of General Plan; and
- f. Print and distribute plan at a final meeting publicized through mailing and advertising process used in subsection 1 above.

3. Processing a SAP:

- a. The applicant shall submit the application, pre-plan signatures (33% of all properties) and all comments received to the Planning and Zoning Commission or Redevelopment Review Commission as applicable for their review and recommendation;
- b. A SAP is a major amendment to the General Plan. Such amendments must have two (2) or more public hearings before the appropriate commission and the City Council;
 - i. See Section 6-303C for procedures for major amendments to the General Plan;
 - ii. See Section 6-404 for notice for public hearings;
 - iii. See Section 6-502A for public hearing process;
 - iv. The final hearing must be scheduled with all other major amendments at one hearing held in the month of October, at a date determined by the Council;
 - v. The City Council may adopt the plan concurrent with the overlay district (if one is created). Overlay districts with a SAP are processed as zoning amendments (see Section 6-305 for zoning application requirements); and
- c. If the owners of twenty percent (20%) or more of the total private properties in the SAP area, combined with the private properties within one hundred fifty (150) feet from the SAP boundary, file a protest, the SAP shall be terminated. Written protests must be submitted within fourteen (14) days of Commission action.

D. Approval Criteria. A SAP must meet the following criteria for approval:

1. Benefits the community by promoting public health, safety, welfare, aesthetics and efficient use of land within and adjacent to the planning area;
 2. Minimal negative impacts to the balance of the city;
 3. Substantial compliance with the General Plan;
 4. Technically feasible; and
 5. Supermajority affirmative vote two-thirds (2/3) of City Council.
- E. Amendment.** Applicants for amendments must demonstrate ownership, or authorization to act on behalf of the owner of the property that is directly affected by the portion of the plan proposed for amendment. Specific Area Plans may be amended as part of the General Plan, see Section 6-303 for General Plan amendment process.

Section 6-305 Zoning Map and Code Text Amendment.

- A. Purpose.** The regulations and boundaries of zoning districts set forth in this Code may be amended whenever deemed necessary to best serve the public interest, and the health, comfort, convenience, safety, and general welfare of the city.
- B. Applicability.** Amendments to the text or zoning map of this Code shall not be made except through the adoption of an amending code by the City Council and following the procedure prescribed in this Code.
- C. Procedure.** An application for zoning map or code text amendment shall be made as a written request submitted to the Development Services Manager. The written request shall specify the nature of the amendment with pertinent details to explain or support the request. Requests for zoning map or code text amendments shall be taken to the Planning and Zoning Commission or Redevelopment Review Commission by the owner or owners of real property situated in the city or by any officer, department, board or commission of the city, or by the City Council, under its own motion. In addition the following are required:
1. Applications for the following zoning districts shall require simultaneous processing of a PAD: R1-PAD, PCC-1, PCC-2, RCC, MU-1, MU-2, MU-3, and MU-4.
 2. Applications for CSS and all multi-family zoning districts shall require simultaneous processing of a development plan.
 3. Planning and Zoning Commission or Redevelopment Review Commission Review and Recommendation. The commission shall review the request and make a recommendation to City Council in a public hearing. The recommendation of approval of any amendment by the commission shall be

based on a finding of consistency and conformance with the General Plan and may include conditions of approval.

4. **City Council Review and Approval Criteria.** Approval by the City Council of an amendment shall be based on a finding that the zoning amendment is in the public interest and is consistent and conforms with the General Plan. Any approval may be subject to such conditions as the council deems applicable in order to fully carry out the provisions and intent of this Code.

State law reference—Zoning amendments, procedures, A.R.S. §9-462.01, §9-462.03, §9-462.04.

Section 6-306 Planned Area Development.

A. Purpose. Planned Area Developments (PADs) allow an applicant to establish development rights, i.e., uses, variances, etc., and develop a project in phases. PADs are not subdivisions and are not intended for the dedication of right-of-way.

B. Applicability.

1. Applications for the following zoning districts shall require simultaneous processing of a PAD: R1-PAD, PCC-1, PCC-2, RCC, MU-1, MU-2, MU-3, and MU-4; and
2. Projects in all other zoning districts may request a PAD.

C. Procedure.

1. PADs shall be processed to the Planning and Zoning Commission (PZ) or Redevelopment Review Commission (RRC), as applicable, using the public hearing procedure. PADs shall also be processed to the City Council, using the public hearing procedure, when part of a zoning map amendment or appeal of PZ or RRC action;
2. **Modifications.** Once a PAD request has been approved and recorded, it can be modified or amended per Section 6-313. Questions as to procedure for modifications to existing PADs shall be determined by the Zoning Administrator;
3. **Recordation.** Recordation shall occur per Section 6-306E.; and
4. **Design Review Board (DRB).** DRB approval is required prior to issuance of building permits.

D. Approval Criteria. Approval of a PAD requires conformance with the standards in subsections 1-4, below.

1. The allowable land uses in Part 3;

2. The development standards in Part 4;
 3. Any applicable overlay zone provisions in Part 5; and
 4. The decision-making body may impose reasonable conditions to ensure conformance with these provisions.
- E. Recordation.** After approval by the decision-making body, the applicant shall complete all required revisions to the PAD and return it to the Development Services Department (DSD). The DSD shall place the PAD on record in the office of the county recorder of Maricopa County. Recordation shall occur within one (1) year of the approval by the decision-making body. Failure to be recorded within one (1) year of approval, when due to the applicant's request, action or inaction, shall render such PAD null and void. The PAD shall not be void if, in the opinion of the council, the applicant is making a good faith effort toward recordation or the applicant has applied for an extension under Section 6-901.
- F. Property Owners Associations.** If a property owners association(s) is required, the covenants and restrictions shall include all applicable requirements under the Tempe City Code, and shall be reviewed by the City Attorney and Development Services Manager to determine if the association will remain responsible for maintaining common areas within the development. Such covenants and restrictions shall be recorded.

Section 6-307 Development Plan Review.

- A. Purpose.** Development plan review is intended to encourage, protect and enhance the functional and attractive appearance of the City of Tempe. The city recognizes that the creation of a desirable environment throughout the city for residents, businesses, and industry is a prime requisite for the preservation of property values; for the development of functional and compatible uses and buildings; and for the preservation of public health, safety and general values.
- B. Applicability.** Development plan applications shall be reviewed as followed:
1. Major Development Plan Review. Applies to all new development and expansions over five thousand (5,000) square feet gross floor area, except single-family homes not included in a PAD and two (2) and three (3) family dwellings.
 2. Minor Development Plan Review. Applies to expansions up to five thousand (5,000) square feet of gross floor area or twenty percent (20%) of the existing building area, which ever is less; and two (2) and three (3) family dwellings.
- C. Procedure.** Major development plan reviews are processed as public meetings through the Design Review Board (DRB) or Redevelopment Review Commission

(RRC) when located in the RRC boundary area. Minor development plan reviews are processed as administrative review decisions through the Development Services Manager. Appeals to minor development plans shall be processed through the DRB or RRC as applicable.

D. Approval Criteria. Development plan approval requires conformance with the standards and criteria in subsections 1 and 2, below. The decision-making body shall use the following criteria in evaluating the development plan.

1. The following design criteria:
 - a. The placement of buildings reinforces and provides variety in the street wall, maximizes natural surveillance and visibility of pedestrian areas (building entrances, pathways, parking areas, etc.), enhances the character of the surrounding area, and facilitates pedestrian access and circulation;
 - b. Shade for energy conservation and comfort is an integral part of the design;
 - c. Materials are of superior quality and compatible with the surroundings;
 - d. Buildings and landscape elements have proper scale with the site and surroundings;
 - e. Large building masses are broken into smaller components that create a human-scale as viewed from the sidewalk;
 - f. Buildings have a clear base and top, as identified by ground floor elements, roof forms, and detailing;
 - g. Building facades have architectural detail and contain windows at the ground level to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility;
 - h. Special treatment of doors, windows, doorways and walkways (proportionality, scale, materials, rhythm, etc.) contributes to attractive public spaces;
 - i. On-site utilities are placed underground;
 - j. Clear and well lighted walkways connect building entrances to one another and to adjacent sidewalks;
 - k. Accessibility is provided in conformance with the Americans With Disabilities Act (ADA);
 - l. Plans take into account pleasant and convenient access to multi modal transportation options, and support the potential for transit patronage;

- m. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses. Traffic impacts are minimized, in conformance with city transportation policies, plans, and design criteria;
 - n. Safe and orderly circulation separates pedestrian and bicycles from vehicular traffic. Projects should be consistent with the Tempe Pedestrian and Bicycle Facility Guidelines, contained the Comprehensive Transportation Plan;
 - o. Plans appropriately integrate crime prevention principles such as territoriality, natural surveillance, access control, activity support, and maintenance;
 - p. Landscaping accents and separates parking, buildings, driveways and pedestrian walkways;
 - q. Signs have appropriate scale, color, and design based on location, site use, adjacent buildings and signs; and
 - r. Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.
2. The decision-making body may impose reasonable conditions to ensure conformance with these provisions.

E. Time Limitations. Development plan approval shall be void if the development is not commenced or if a building permit has not been obtained, whichever is applicable, within twelve (12) months of such granting or within the time stipulated by the decision-making body.

Section 6-308 Subdivisions, Lot Splits and Adjustments.

A. Purpose. The purpose of this section is to provide for the orderly growth and harmonious development of the city; to insure adequate traffic circulation through coordinated street, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to insure consideration for adequate sites for schools, recreation areas, and other public facilities; and to promote the conveyance of land by accurate legal description and plat.

B. Applicability.

1. Subdivision. Subdivision applies to improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land. Also, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. Subdivision also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided or as defined in A.R.S. § 9-463.02, as it may be amended.
2. Lot Split. Land splits apply to the division of improved or unimproved land whose area is two and one-half (2 1/2) acres or less into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease or as defined in A.R.S. § 9-463.
3. Lot Line Adjustment. Lot line adjustments apply to property line modifications within a recorded subdivision plat.

C. Procedure.

1. Subdivision.
 - a. Preliminary Subdivision Plat. Shall be processed through the Planning and Zoning Commission for review and recommendation to the City Council at a public meeting.
 - b. Final Subdivision Plat. Shall be processed to the City Council for approval at a public meeting.
 - c. Amended Final Subdivision Plat. Shall be processed to the City Council for approval at a public meeting.
2. Lot Split. Requires an administrative approval by the Development Services Manager (DSM). Appeals of the DSM decision shall be appealed to the City Council within fourteen (14) days of action.
3. Lot Line Adjustment. Requires approval by the City Council at a public meeting.

Reference—Subdivisions, City Code, Chapter 30.

D. Approval Criteria. See City Code Chapter 30, Subdivisions.

Section 6-309 Use Permit.

- A. Purpose.** The purpose of Section 6-309 is to ensure the orderly use of land in conformance with the General Plan and applicable city standards where uses are proposed that may require special limitations or conditions to provide compatibility with other uses.
- B. Applicability Based on Square Feet of Use.** For use permits that are based on the square footage devoted to a particular use, the square footage will be taken as the gross floor area for the use requiring the use permit.
- C. Procedure for Use Permits Granted by the Hearing Officer or Board of Adjustment.** Except where review by the Redevelopment Review Commission applies, the following requests for use permits shall be taken to the Hearing Officer or Board of Adjustment for a public hearing, and approval, denial, or approval with conditions:
1. All use permits required in all residential districts (See Section 3-102);
 2. Use permits required for any bar which occupies less than four thousand five hundred (4,500) square feet in gross floor area;
 3. Use permits required for any other use which occupies less than ten thousand (10,000) square feet in gross floor area in all commercial and mixed-use districts except PCC-1 and PCC-2 (See Section 3-202);
 4. Use permits required for any use occupying less than twenty-thousand (20,000) square feet in gross floor area in any office/industrial district (See Section 3-302);
 5. The Zoning Administrator may direct that a request defined by subsections 1 through 4 immediately above be heard instead by the Planning Commission or City Council based on a review which includes but is not limited to the following factors:
 - a. Previous decisions by the city regarding the site on which the proposed use is located;
 - b. The probable impact of the requested use on its immediate surroundings; or
 - c. The consistency of the requested use with the projected land uses, policies and principles of the General Plan; and
 5. When a use permit is combined with a variance both shall be heard by the same decision-making body.

D. Procedure for Use Permits Granted by the Planning and Zoning Commission, Redevelopment Review Commission or City Council. Except where review by the Redevelopment Review Commission applies, the following requests for use permits shall be taken to the City Council for a public hearing, and approval, denial, or approval with conditions:

1. All use permits required in PCC-1, PCC-2, RCC, and CC;
2. Use permits required for any bar which occupies four thousand five hundred (4,500) square feet or more in gross floor area;
3. Use permits required for any other use in a commercial or mixed-use zoning which occupies ten thousand (10,000) square feet or more in gross floor area;
4. Use permits required for any use that occupies twenty thousand (20,000) square feet or more in gross floor area in every industrial zone. For use permits to exceed the allowed percent of retail in an industrial district, the square footage devoted to retail will be taken as the gross floor area for the use requiring the use permit;
6. The Zoning Administrator may direct that a request defined by subsections 1 through 4 immediately above be heard instead by the Hearing Officer or Board of Adjustment based on a review which includes but is not limited to the following factors:
 - d. Previous decisions by the city regarding the site on which the proposed use is located;
 - e. The probable impact of the requested use on its immediate surroundings; or
 - f. The consistency of the requested use with the projected land uses, policies and principles of the General Plan; and
6. When a use permit is combined with a variance both shall be heard by the same decision-making body.

E. First Amendment. A use permit request for any activity that is protected by the First Amendment shall be heard by the decision-making body at the next regularly-scheduled public hearing complying with legal notice requirements following submittal of a complete application for such a permit. No continuances or other delays in such processing may occur without the concurrence of the applicant for such permit, provided that there is sufficient time to complete any public notification requirement. If approved, the use shall be commenced within one (1) year.

F. Approval Criteria.

1. A use permit shall be granted only upon a finding by the decision-making body, that the use covered by the permit, the manner of its conduct, and any

building which is involved, will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirements, or standards prescribed therefor by this Code.

2. In arriving at the above determination, the following factors shall be considered, but not be limited to:
 - a. Any significant increase in vehicular or pedestrian traffic;
 - b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which, is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan;
 - g. Compatibility with existing surrounding structures and uses; and
 - h. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.
3. The decision-making body may impose reasonable conditions to ensure conformance with these provisions.

G. Burden of Proof. The burden of proof for satisfying the aforementioned requirements shall rest with the applicant. A refusal of a use permit shall not be interpreted as the denial of a right, conditional or otherwise.

H. Conditions. Any use permit granted may be subject to conditions the decision-making body deems applicable in order to fully carry out the provisions and intent of the Code, including, but not limited to:

1. Limit the hours, days, place and/or manner of operation;
2. Require site or architectural design features that minimize impacts due to removal of vegetation, noise, vibration, exhaust/emissions, light, glare, erosion, water quality impacts, odor and/or dust;
3. Require landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
4. Designate the size, number, location and/or design of vehicle access points or parking areas;
5. Require additional setbacks and planting if deemed necessary; and

6. Limit the building height, size or lot coverage, and/or location on the site.

I. Effect of Use Permit.

1. The use permit is valid and operable only for the specific use as granted and subject to any specified time limit. No use may be modified, changed, altered or increased in intensity, in a manner that conflicts with the use permit and/or required conditions of approval, without approval of a new use permit.

J. Use Modifications. See Section 6-313.

K. Use Permit Time Limitation. Use permits shall be void if the use is not commenced within twelve (12) months of such granting or within the time stipulated by the decision-making body.

L. Exceptions and Special Use Permit Provisions. Outdoor retailing related to special sporting events. Outdoor displays and outdoor retailing of merchandise related to special sporting events, as defined below, may be allowed on commercially used property in the CSS, PCC-1, PCC-2, CC, and RCC districts on a temporary basis, and without a use permit, if:

1. A temporary sports paraphernalia vending permit has been issued by the Management Services Department, after approval by the Development Services and Public Works Departments, for a fee established by the City Council;
2. The permittee is in compliance with all regulations related to such permit and all applicable codes and laws;
3. Each temporary permit is valid for a period not to exceed thirty (30) days, one of which days includes the date of a special sporting event as defined herein. The permit must be posted on the site and must be available for inspection at all times during operation;
4. Merchandise is limited to tangible personal property related to the special sporting event and shall comply with all applicable licensing, trademark, copyright or other requirements of law. It may not include food or beverage products; and
5. The applicant submits a written application and development plan for review and approval by the city, which shall include, but not be limited to layout, location, size, height, signage, description of merchandise, date and name of the special sporting event, off-street parking and traffic plan, utility services to be utilized or required, improvements and structures on the site, approval of property owner for the intended use, the permit fee and sales tax license fee, and other information requested by the city. In reviewing applications, the city may utilize any acceptable criteria for approval of the application and development plan, including such criteria as those utilized for issuance of use, signs, traffic or right-of-way permits, and other vending or licensing

standards currently established by city code and administration. Except for city-owned property, the following requirements apply:

- a. Display or retail activities shall be conducted at least ten (10) feet away from any public property or city right-of-way;
- b. No traffic or sight obstruction or restriction is permitted;
- c. Display or retail activity may only occur on an improved area adjacent to an existing permanent structure on the site. "Improved area" is defined as an area having a surface of asphalt, concrete, crushed rock, gravel, masonry or wood, maintained free of all vegetation and contained within a permanent curb or border, unless otherwise approved by the city;
- d. No display or retail activity may occur upon or interfere with landscaping at or adjacent to the site;
- e. A copy of approved tent permit, if applicable, and any other required city permits or licenses;
- f. No permit will be issued for, nor will outdoor display or retailing be allowed on, any property abutting or within the area bounded by Priest, McClintock, Rio Salado Parkway and the Red Mountain Freeway, in the Rio Salado Overlay District, unless otherwise approved by the city;
- g. No outdoor retail or display is permitted during or within the perimeters of the New Year's Eve Block Party or the Super Bowl Street Spectacular unless approved as part of the special event permit for those events;
- h. Display or retail area shall be kept neat, clean and hazard free during any hours of operation. Permittee is responsible for litter pickup and disposal within a fifty (50) foot circumference of the display/retail activities; and
- i. Special sporting event means the Fiesta Bowl, the Super Bowl, the playoffs for professional basketball, football or baseball, or any other special sporting event so designated by the City Council.

City code reference—See TCC §5-2, special event permits.

Section 6-310 Variances.

- A. **Purpose.** This section provides for relief from the standards of this Code when needed because of circumstances applicable to a property, including its size, shape, topography, location or surroundings, where the strict application of this Code would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

- B. Applicability.** Variances are applicable to quantified standards (e.g., setbacks, height, lot areas, dimensions, etc.) and non-quantified standards. Variances are not applicable to guidelines as specifically identified in this Code. Any variance granted shall not:
1. Make any changes in the uses and densities permitted in any zoning classification or zoning district;
 2. Be for the purpose of rectifying a special circumstance, which was self-imposed by the property owner or applicant; or
 3. Allow relief from any item expressly prohibited by this Code.
- C. Procedure.** Requests for variances from the terms of this Code shall be processed as a public hearing procedure to the decision-making body as provided in Section 6-101.
- D. Decision-Making Bodies.** The Hearing Officer, Board of Adjustment, Planning and Zoning Commission, Redevelopment Review Commission, and City Council may decide variance requests. When a use permit is combined with a variance, both shall be heard by the same decision-making body.
- State law reference**—Variances, power to grant, A.R.S. §9-462.06.
- E. Approval Criteria.** A variance shall not be authorized unless the decision body finds upon sufficient evidence:
1. That there are special circumstances or conditions applying to the land, building or use referred to in the application;
 2. That authorizing the variance is necessary for the preservation and enjoyment of substantial property rights;
 3. That authorizing the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general; and, if applicable
 4. That the applicant for a sign variance has received development plan approval (i.e., contingent upon variance approval) prior to a decision being made on the variance.
- F. Conditions of Approval.** Any variance granted may be subject to such conditions deemed applicable by the decision-making body as will assure that the adjustment authorized shall not be detrimental to other properties in the vicinity and zoning district in which such property is located. Variances shall become void if the subject property does not conform to all conditions, requirements, and standards prescribed by the decision-making body as a condition for approval of the variance. See also, Section 6-902, Revocation of a Permit/Approvals.

- G. **Variance Time Limitations.** Variances shall be void if the use is not commenced or if a building permit has not been obtained, whichever is applicable, within twelve (12) months of such granting or within the time stipulated by the decision-making body. The time period for a variance may be extended in conformance with Section 6-901, and shall only be renewed upon approval of a new variance application.

Section 6-311 Abatement.

- A. **Purpose.** Abatements shall remove code violations from property.
- B. **Applicability.** Refer to Tempe City Code, Chapter 21.
- C. **Procedure.** Abatements are processed through the Hearing Officer as a public hearing process.

Section 6-312 Shared Parking.

- A. **Purpose.** Shared parking allows for different uses on one site to share parking, there by increasing flexibility, use, building design and other development plan criteria.
- B. **Applicability.** Any commercial, industrial, civic, or mixed-use project may request approval of alternative parking space requirements using a parking demand study. The application procedures, methodology, specifications, and approval criteria for parking demand studies are provided in the Appendix F. See also, Section 4-604.
- C. **Procedure.** Shared parking applications shall be processed using the administrative review procedure through the Development Services Manager.
- D. **Approval Criteria.** A shared parking model shall be reviewed for compliance with the standards of Section 4-604 (See Appendix F, Shared Parking Model).

Section 6-313 Modify Approved Plan, PAD, Use Permit, or Condition of Approval.

- A. **Purpose.** This section allows an applicant to modify an approved plan or condition of approval when a project needs change.
- B. **Applicability.** This section applies to all types of applications approved under this Code.
- C. **Procedure.** There are three (3) types of modification procedures as follows:

1. Minor Modifications to Approved Plans. Minor modifications are processed through an administrative review by the Development Services Manager. Minor modifications include:
 - a. An increase in the floor area proposed for non-residential use by less than ten percent (10%) where previously specified, unless such increase creates a variance;
 - b. A reduction of less than 10 percent (10%) of the area reserved for landscaping, open space, or outdoor living area, unless such reduction creates a variance;
 - c. A change to specified setback, building height, lot coverage or other quantitative requirements established in a PAD by less than 10 percent (10%); or
 - d. Changes similar to those listed in subsection (a) through (c), that are not likely to have an adverse impact on adjoining properties, as determined by the Development Services Manager.
2. Major Modifications to Approved Plans. A major modification is a significant change that exceeds the threshold(s) provided for a minor modification under 6-313C1. Major modifications shall be processed as public hearing applications. The hearing body shall be the same as the hearing body that made the original decision of approval.
3. Minor Modifications to Conditions of Approval. A minor modification is one that does not change the basic intent of the condition as determined by the Development Services Manager.
4. Major Modifications or Elimination of Conditions of Approval. A major modification changes the basic intent of the original condition as determined by the Development Services or eliminates the condition. Major modifications shall be processed through the original decision-making body.

D. Approval Criteria.

1. Minor Modifications. Minor modifications are administrative decisions and may be approved by staff when they meet the basic thresholds defined in this section, and when approval does not cause a violation of any provision of this Code.
2. Major Modifications. The approval criteria for major modifications are the same as for the original decision.
3. Elimination of Conditions of Approval. A request to remove condition(s) of approval shall only be granted if the decision-making body determines that:

- a. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of conditions; or
- b. The condition could not be implemented because it is beyond the reasonable control of the applicant and the modification will not require a significant modification of the original decision; or
- c. The circumstances have changed to the extent that the condition(s) is no longer needed or warranted; or
- d. A different condition(s) would better accomplish the purpose of the original condition.

Section 6-314 Security Plan.

- A. Purpose.** The purpose of approving a security plan is to protect the public health, safety, and welfare through crime prevention measures that are tailored to proposed land uses.
- B. Applicability and Procedure.** Prior to commencement of any of the following uses, a security plan must be approved in accordance with Chapter 11, Article III of Tempe City Code:
 - 1. Bars, cocktail lounges, taverns, discotheques, nightclubs and similar businesses;
 - 2. Adult-oriented businesses;
 - 3. Recreational or amusement businesses, including both indoor and outdoor activities, including pool halls and video arcades;
 - 4. Entertainment as accessory to restaurant facilities, bars or similar establishments;
 - 5. Hotels, motels;
 - 6. Convenience stores; and
 - 7. Any other use determined by the Development Services Manager or the Tempe Police Department to be similar to a use listed immediately above in 1-6.

CHAPTER 4 – PUBLIC NOTICE AND STAFF REPORTS

- Section 6-401 General Provisions.**
- Section 6-402 Neighborhood Meetings.**
- Section 6-403 Notice for Public Meetings.**
- Section 6-404 Notice for Public Hearings.**
- Section 6-405 Notice of Appeals.**
- Section 6-406 Staff Reports.**

Section 6-401 General Provisions.

- A. Mailed Notices.** Notices mailed under provisions of this Code shall be mailed to property owners and neighborhood/homeowner associations, and tenants (if required) within the notification area as defined in Section 6-401B. The applicant is responsible for mailing neighborhood meeting notices (Section 6-402), and the city is responsible for mailing all other public notices under this Code (Section 6-404). The city is not responsible for receipt of mailed notices.
- B. Notification Area.** The boundary of the subject property, shall be used in determining the geographic area to be notified. For projects containing more than one parcel, or phases of a larger project, the three hundred (300) foot measurement shall be taken from the perimeter of the entire project (all phases). The Development Services Department will provide a list of recognized neighborhood and homeowner associations, within the vicinity of the project, for notification.

Section 6-402 Neighborhood Meetings.

- A. Purpose.** The purpose of the neighborhood meeting is to provide a means for the applicant, surrounding residential neighbors, and registered neighborhood and homeowner's association representatives to review a preliminary development proposal and solicit input and exchange information about the proposed development. This preliminary meeting is intended to result in an application that is responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. The applicant is responsible for all costs associated with the neighborhood meeting.
- B. Applicability.** A neighborhood meeting is required for the following types of applications when located within three hundred (300) feet of a residential use:

1. Use permits;
 2. Variances;
 3. Development plans, when a public hearing is required;
 4. Planned Area Developments;
 5. Major modification to an approved plan or condition of approval (when original approval made at a public hearing);
 6. Zoning map amendments; and
 7. General Plan map amendments.
- C. Meeting Schedule.** The applicant is required to hold one (1) meeting, prior to the first hearing on an application for a specific site, but may hold more if desired. The required meeting shall be held at least fifteen (15) days before the first hearing on the application.
- D. Meeting Location.** Neighborhood meetings shall be held at a location near the proposed development site. The meeting shall be held on a weekday evening, or weekends at any reasonable time and in a publicly accessible location.
- E. Notification Requirements.** Notice of the meeting shall be provided by the applicant as follows:
1. Posting not less than thirty (30) calendar days prior to the date of neighborhood meeting, a notice of the date, time and place and a summary of the request. Such notice shall be clearly legible and wherever possible, placed adjacent to the right-of-way of a public street or road. It shall not be the responsibility of the applicant or the city to maintain the notice once it has been placed on the subject property. The Development Services Department will supply the sign(s) at cost to the applicant;
 2. Mailing a notice not less than thirty (30) calendar days prior to the date of the neighborhood meeting to:
 - a. All property owners of record within three hundred (300) feet of the subject property which are included on the mailing list submitted by the applicant;
 - b. The chairperson of the registered neighborhood association(s) and home owners association(s) within the vicinity of the project; and
 - c. All tenants, within the boundary of the subject property(ies), for projects with commercial, industrial or mixed-use zoning districts.

- F. Meeting Summary.** The applicant shall submit to the Development Services Department before the first hearing on the matter a summary of the issues and discussions from the meeting and the meeting notes.

Section 6-403 Notice for Public Meetings.

- A. Purpose and Applicability.** The purpose of the public meeting is to provide a means for the Design Review Board to receive input from the public. See Section 1-307C3.
- B. Agenda as Notice of Meeting.** Agendas for all public meetings shall be posted at City Hall at least twenty-four (24) hours prior to such meetings, in accordance with Arizona open meeting law.
- C. Notice of Decision.** Written notice of the decision made by the decision-making body in a public meeting shall be provided to the applicant and property owner (if different) and made available for public inspection at the Development Services Department.

Section 6-404 Notice for Public Hearings.

- A. Public Notice.** Public hearings shall be preceded by public notice in accordance with this section and Arizona open meeting law. Public hearings for General Plan amendments have additional notification requirements, see Section 6-303 General Plan Amendment. When multiple applications are under review for the same project, the city may simultaneously issue notice for multiple applications. Such notice may be given in the initial posting and of the initial hearing and any subsequent hearing.
- B. Agenda.** Upon receiving a complete application for action requiring a public hearing under this Code, the Development Services Manager shall place the request upon the next available agenda for a regular meeting of the decision-making body.
- C. Notification Requirements.** The Development Services Department or the City Clerk shall issue public notices for all types of hearings under this Code as follows:
1. Posting the agenda at City Hall at least twenty-four (24) hours prior to such meetings, in accordance with Arizona open meeting law;
 2. Posting not less than fifteen (15) calendar days prior to the dates of public hearings, a notice of the date, time and place of each public hearing and a summary of the request. Such notice shall be clearly legible and wherever possible, placed adjacent to the right-of-way of a public street or road. It shall not be the responsibility of the city to maintain the notice once it has been placed on the subject property;

3. Submitting for publication in the official newspaper the hearing notice, at least once, fifteen (15) days prior to the public hearing; and
4. Mailing a hearing notice not less than fifteen (15) calendar days prior to the date of each hearing to:
 - a. The applicant or representative and owners of the subject property;
 - b. All property owners of record within three hundred (300) feet of the subject property which are included on the mailing list submitted by the applicant;
 - c. The chairperson of the registered neighborhood association(s) and home owners association(s) within the vicinity of the project;
 - d. All tenants, within the boundary of the subject property(ies), for projects with commercial, industrial or mixed-use zoning districts; and
5. If notification is required at the City Council, the City Clerk shall submit for publication in the official newspaper the request, at least once, fifteen (15) days prior to the meeting. If a Code amendment is involved, the City Clerk shall comply with the requirements of the City Charter.

D. Content of Public Hearing Notice. Public hearing notices issued under Section 6-404C. shall contain:

1. The name of the applicant or owner;
2. A description of the subject property reasonably sufficient to inform the public of its location;
3. A concise description of the proposed development or use;
4. The designation of the hearing body; and
5. The time, date and place of the hearing.

E. Decision Notice. Written notice of the decision of the hearing body shall be provided to the applicant and property owner (if different). The notice of decision shall contain a brief summary of the decision and conditions of approval, if any.

Section 4-405 Notice of Appeals.

Notice of an appeal of a public meeting or public hearing shall be provided in the same manner as the original meeting or hearing.

Section 6-406 Staff Reports.

- A. Staff Reports for Boards and Commissions.** After any such request, as provided for in this Code has been placed on an agenda, the Development Services Department shall prepare a written report for the decision-making body that includes the following information:
1. The name of the applicant or initiating party;
 2. A description of the subject property or amendment, including any maps, drawings etc.;
 3. A statement of the proposed request and any history pertinent to such request or property;
 4. A statement of the observations of the personal inspection of the subject property and surrounding area; and
 5. A recommendation for disposition of the request.
- B. Staff Reports for City Council.** Any request forwarded to the City Council shall be transmitted to the City Clerk for inclusion on the agenda of a regular meeting of the City Council. A report shall accompany the request and include items in Section 6-406A1-5 and the following information:
1. A concise statement of history and facts on the processing of the request by the Development Services Department and the public hearing(s) held by the Planning and Zoning Commission, Redevelopment Review Commission, or public meeting held by the Design Review Board;
 2. The findings made by the above noted Boards or Commissions and the action taken; and
 3. Any other pertinent documents and maps, as well as other information deemed necessary by the City Clerk or Development Services Manager.

CHAPTER 5 – PUBLIC MEETINGS AND PUBLIC HEARINGS

Section 6-501 Purpose.

Section 6-502 Rules of Procedure.

Section 6-503 Record.

Section 6-501 Purpose.

This chapter provides procedures for public meetings and public hearings. It is intended to provide an efficient and effective means of public review on land use and development decisions made by the city. The provisions set forth in this chapter also are intended to encourage public dialogue and comment that is relevant to the applicable approval.

Section 6-502 Rules of Procedure.

Public meetings and hearings shall be conducted in accordance with Section 6-502 and any rules of procedure adopted by the hearing body, so long as these procedures do not conflict.

A. Procedure. The following procedures apply to all public meetings and public hearings, except as provided for zoning amendment protests under Section 6-502C:

1. Call for the request as stated on the agenda and announce that any person believed to be affected by the request may appear and will be heard, in person or by his or her representative;
2. Hear the report and recommendation submitted by the Development Services Department;
3. Time Limits. The decision-making body may set reasonable time limits for oral presentations. The decision-making body may also determine not to receive cumulative, repetitious, immaterial, derogatory or abusive testimony. Persons may be required to submit written testimony in lieu of oral if the decision-making body determines that a reasonable opportunity for oral presentations has been provided;
4. Hear a presentation by the applicant(s) describing the manner in which the proposal is consistent with city plans, policies, and codes;
5. Hear the relevant comments by the public regarding the application;
6. Hear the response to the public comments and a summary statement by the applicant;

7. The presiding officer may allow further comment, exhibits, and other evidence to be filed as part of the record of the meeting/hearing; and
8. Hold any pertinent discussion necessary for clarification or additional information.

B. Decision. Following discussion related to the application or comments received during the public meeting/hearing, the decision-making body will approve, approve with conditions, continue, or deny the application. In making the decision, consideration shall be given to the facts presented. The findings of fact justifying the decision shall be noted for the record. Decisions made under the provisions of this Code are effective on the date of approval (unless conditioned otherwise), except for those decisions subject to referendum.

C. Zoning Amendment Protest. The following procedure shall apply when a zoning amendment is protested:

1. In the event that the owners of at least twenty percent (20%) of the following properties file a protest in writing against a proposed amendment, with the City Clerk prior to the time of or at the public hearing of the City Council, it shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council:
 - a. The area of the lots included in a proposed change; or
 - b. The area of adjacent properties extending one hundred and fifty (150) feet from any side or rear property line of the subject property.
2. The area of properties directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite lots. Proposed amendments shall require a favorable vote of three-fourths (3/4) of all members of the City Council to become effective if a valid protest is filed in writing against the proposed amendment.
3. If any members of the council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths (3/4) of the remaining membership of the council, provided that such required number of votes shall in no event be less than a majority of the full membership of the council.

State law reference— A.R.S. §9-462.04(H).

Section 6-503 Record.

A. Summary Minutes. Summary minutes giving a reflection of the matters discussed, during a public hearing or meeting, shall be written.

- B. Additional Information.** Other materials and correspondence submitted prior to or at the public hearing or meeting shall be retained as part of the record.

Chapter 6 – CONDITIONS OF APPROVAL

Section 6-601 Conditions of Approval.

Section 6-602 Contract for Conditions.

Section 6-603 Time Limits on Conditions.

Section 6-604 Failure to Fulfill Previous Conditions.

Section 6-605 Modification or Removal of Conditions.

Section 6-601 Conditions of Approval.

The decision-making body may impose conditions on any approval. Such conditions shall be designed to implement the requirements of this Code, protect the public from potential adverse impacts from the proposed use or development, or to fulfill an identified need for public services. In addition to those conditions imposed by the decision-making body, the city may consider as a requirement or condition any plan, exhibit, statement, or other material provided by the applicant and on record with the decision.

Section 6-602 Contract for Conditions.

When the approval requires a contract, conditions shall be set forth in a contract executed by the city and the applicant and approved as to form by legal counsel for the city. If a contract is required, no approval shall be effective until the conditions are recorded. As a condition of approval, the city may require that the contract or a memorandum thereof be filed in the County Deed Records and shall appear in the chain of the title of the subject property, if recording is required. In addition to any personal remedy, the condition shall constitute a burden running with the land in favor of the City of Tempe and, unless otherwise provided, shall be removed only with the written authorization of the Tempe City Council. The contract shall be enforceable by and against the parties, their heirs, successors and assigns. The contract, however, shall not restrict the authority of the City of Tempe from taking actions affecting the property.

Section 6-603 Time Limits on Conditions.

Conditions shall be fulfilled within the time limitations set forth or a reasonable time if no time limitations are specified. Failure to fulfill a condition within said time may result in initiation of revocation of the approval, citation or such other enforcement action as the city deems appropriate.

Section 6-604 Failure to Fulfill Previous Conditions.

The decision-making body may withhold a requested approval if it determines that the current applicant has not fulfilled a previous condition or requirement from a previous approval, granted to the applicant, on the subject property, and withholding the permit would encourage compliance or is necessary to protect the public from future noncompliance.

Section 6-605 Modification or Removal of Conditions.

Modification or removal of conditions of approval may be sought on appeal or as a new application, in accordance with Section 6-313. Such proposals shall be processed through the same procedure as was used to impose the conditions.

CHAPTER 7 – RE-APPLICATION AND RECONSIDERATION OF DECISIONS

Section 6-701 Re-Application.

Section 6-702 Reconsideration as Extraordinary Remedy.

Section 6-703 Motion for Reconsideration.

Section 6-704 Motion for Reconsideration and Appeal Period.

Section 6-705 Process for Reconsideration.

Section 6-706 Reconsideration and Appeals.

Section 6-707 Reconsideration Limit.

Section 6-701 Re-Application.

In the event that an application is denied, an application on the same subject matter will not be considered for a period of one (1) year from the date the initial application was denied, except as follows.

Section 6-702 Reconsideration as Extraordinary Remedy.

Reconsideration of a decision is available only as an extraordinary remedy upon a determination by the decision-making body that the criteria in subsections A and B are met:

- A. Mistake.** The party requesting reconsideration has sufficiently alleged in writing that a mistake of law or fact occurred; and the alleged mistake, if found to have occurred, was a substantial factor in the decision; and
- B. Hardship or Delay.** Reconsideration is appropriate to avoid delay or hardship that may be caused by an appeal.

Section 6-703 Motion for Reconsideration.

A motion for reconsideration must be filed with the Development Services Manager within fourteen (14) calendar days of the original decision. The motion shall address the factors set forth in Section 6-702 above. The applicable fee shall be submitted with the request. A

motion for reconsideration may be filed by the applicant, the Development Services Manager, or a party of record.

Section 6-704 Motion for Reconsideration and Appeal Period.

Filing a motion for reconsideration is not a precondition to appealing the decision and does not stay the deadline for filing an appeal. To preserve the right to appeal, a party must file a petition for review as provided in Part 6, Chapter 8. If the decision-making body grants reconsideration, and ultimately rules in favor of the party filing for reconsideration, the party may terminate its appeal.

Section 6-705 Process for Reconsideration.

The decision-making body shall schedule and notify the parties of a new public hearing or meeting on the merits of the issues raised. Such hearing or meeting shall be held at the next reasonably available opportunity. The decision-making body shall limit their discussion to the issues raised in the motion for reconsideration and the merits of those issues. New evidence or testimony provided by the applicant or staff, shall be limited to grounds upon which the motion or petition for reconsideration was granted.

Section 6-706 Reconsideration and Appeals.

If the motion for reconsideration is denied or the decision is not altered upon reconsideration, any appeal of the original decision, timely filed, shall be processed in accordance with Part 6, Chapter 8, Appeals. If the motion is granted and the decision-making body modifies the previous decision, the parties to the initial decision shall be notified within ten (10) days of the decision and may appeal the decision as modified pursuant to Part 6, Chapter 8, Appeals.

Section 6-707 Reconsideration Limit.

No decision shall be reconsidered more than once.

CHAPTER 8 – APPEALS

Section 6-801 Purpose.

Section 6-802 Parties to an Appeal.

Section 6-803 Appeal Criteria.

Section 6-801 Purpose.

This chapter provides criteria and procedures to be used whenever and applicant is aggrieved by a decision by a decision-making body.

Section 6-802 Parties to an Appeal.

Any person, entity, or group aggrieved by a decision under this Code may be parties to an appeal hearing as provided in this Section.

- A. **Public Hearing.** Such appeals shall be heard using the same procedures as the original public meeting/public hearing procedures in Part 6, Chapter 5.
- B. **Appeal Stays Proceedings.** An appeal shall stay all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the decision-making body that, by reason of the fact stated in the certificate, the stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted a court of record on application and notice to the Zoning Administrator.
- C. In the event that a decision made under this Code is appealed, the appeal does not invalidate the approval. The holder of the approval may proceed with a use or development at his or her own risk.
- D. **Conditions When Granting Appeal.** Any appeal granted may be subject to such conditions as the decision-making body deems applicable.

Section 6-803 Appeal Criteria.

- A. **Appeal Criteria.** To effect an appeal, the petitioner must file an appeal petition with either the Development Services Department or City Clerk not later than 5:00 p.m. on the appeal due date, as provided on the notice of decision. The petition shall contain:
 - 1. The name of the applicant and the city case file number;
 - 2. The name, address and signature of each petitioner; and

3. The specific grounds for appeal. The appeal shall be limited to the issue(s) raised in the petition.

B. Time Limitations.

Decision Making Body	Appeal Submittal Deadline	Appeal Body
Zoning Administrator	14 Calendar Days	Hearing Officer
Hearing Officer	14 Calendar Days	Board of Adjustment
Board of Adjustment	30 Calendar Days	Maricopa County Superior Court
Planning and Zoning Commission	14 Calendar Days	City Council
Redevelopment Review Commission	14 Calendar Days	City Council
Design Review Board	14 Calendar Days	City Council
City Council	30 calendar days	Maricopa County Superior Court

- C. Failure to File an Appeal.** Failure to file an appeal with the Development Services Department or City Clerk as applicable, by 5:00 p.m. on the due date, shall render such appeal invalid.

CHAPTER 9 – TIME EXTENSION, REVOCATION, AND TRANSFER OF PERMITS/APPROVALS

Section 6-901 Time Extension.

Section 6-902 Revocation of a Permit/Approval.

Section 6-903 Transfer of Permits/Approvals.

Section 6-901 Time Extension.

- A. **Timing of Extension.** If an extension is desired, the holder of the approval or permit must file an application for an extension no later than forty-five (45) days prior to expiration of the approval or permit.
- B. **Procedure and Approval Criteria.** Extension requests shall be processed by the Development Services Manager as an administrative review decision. The Development Services Manager may refer the request to the original decision-making body that issued the original approval if different than the Development Services Manager. An extension may be granted for a maximum of one (1) year from the original date of expiration, and may be less than one (1) year if the Manager deems that a shorter timeframe is warranted. Extensions shall be granted only upon findings that:
1. The use or development could not reasonably commence for reasons beyond the control of the permit holder;
 2. The request for extension is not sought for purposes of avoiding the requirements or standards of this Code or the permit;
 3. There has been no change in city standards or other circumstances likely to necessitate significant modification of the development approval or conditions of approval; and
 4. The use of property, if any, conforms to applicable city codes. The city may deny an extension request if there is an existing Code violation, or impose conditions to facilitate compliance.

Section 6-902 Revocation of a Permit/Approval.

The city may revoke an approval or permit granted under this Code. In revoking an approval or permit, the following procedures apply:

- A. **Procedure and Criteria.** Following reasonable notice to the permit/approval holder an administrative hearing shall be held to consider all relevant information,

conditions, and concerns related to the permit. The permit/approval holder will be given a reasonable opportunity to resolve all related issues. If the permit/approval holder cannot comply with conditions of the permit/approval or otherwise remains in violation of this Code after thirty (30) days, or sooner when the violations constitute an immediate public health, safety and general welfare concern, the Zoning Administrator shall schedule the item on the next regularly scheduled agenda of the original decision-making body, as may be appropriate, at which time revocation of the permit/approval may be considered. A permit/approval may be revoked if it is determined that:

1. Development which has occurred does not comply with the standards set forth in this Code or any special conditions imposed upon the permit/approval;
2. The permit/approval was approved based on materially incorrect or incomplete information; or
3. A change has occurred to city regulations, the General Plan or applicable law, prior to the development obtaining a vested right or status as a legal nonconforming use, that makes the approved development unlawful or not permitted.

B. Revoke Permit/Approval. The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.

C. Option to Reapply for Permit/Approval. The holder of the revoked permit/approval may reapply for a new permit/approval at any time as an entirely new application.

Section 6-903 Transfer of Permits/Approvals.

A. Use permits are transferable to successors in interest.

PART 7 – DEFINITIONS

Chapter 1 – Definitions

CHAPTER 1 – DEFINITIONS

Section 7-101	General Definitions and Terms.
Section 7-102	A.
Section 7-103	B.
Section 7-104	C.
Section 7-105	D.
Section 7-106	E.
Section 7-107	F.
Section 7-108	G.
Section 7-109	H.
Section 7-110	I.
Section 7-111	J.
Section 7-112	K.
Section 7-113	L.
Section 7-114	M.
Section 7-115	N.
Section 7-116	O.
Section 7-117	P.
Section 7-118	Q.
Section 7-119	R.

Section 7-120 S.

Section 7-121 T.

Section 7-122 U.

Section 7-123 V.

Section 7-124 W.

Section 7-125 X.

Section 7-126 Y.

Section 7-127 Z.

Section 7-101 General Definitions and Terms.

For the purpose of this Code, certain terms and words are hereby defined as follows: words used in the present tense include the future; words in the masculine gender include the feminine and neuter; words in the singular includes the plural, and the plural includes the singular; the word "shall" is mandatory and not permissive; and the word "person" includes individuals, partnerships, corporations, clubs, or associations. The following words or terms, when applied in this Code, shall carry full force when used interchangeably: lot, plot, parcel, premises or site; used, arranged, occupied, or maintained; sold or dispensed; construct, reconstruct, erect, alter (structurally or otherwise), but not the term maintenance. The word "used" shall be deemed also to include designed, intended or arranged to be used. The word "board" shall mean Board of Adjustment or Design Review Board, whichever is applicable. The word "commission" shall mean Planning and Zoning Commission or Redevelopment Review Commission, whichever is applicable. "Council" shall mean City Council.

Section 7-102 “A” Definitions.

Accessible, accessibility means accessible to persons with disabilities, consistent with the Americans with Disability Act (ADA).

Accessory building means a detached subordinate building containing an accessory use and situated on the same lot as the primary building. Detached garages, sheds, workshops, and barns are examples of accessory buildings.

Accessory dwelling, accessory dwelling unit means a small, secondary leaseable housing unit on a lot with a single-family dwelling. Accessory dwellings are limited in size and restricted to certain zone districts. They can be attached to the primary dwelling or not

attached. An accessory dwelling may also be located above a garage that is either attached to the primary dwelling or free-standing.

Accessory structures means a non-habitable structure, eight (8) feet or less in height, and 120 square feet or less in area.

Accessory use means either a subordinate use of a building, other structure, or tract of land under the following situations:

1. Whose use is clearly incidental and customary to the use of the primary building, other structure or use of land; and
2. Which is located on the same zoned lot with the principal building, other structure or use of land, and whose use is specifically permitted in a less restricted district.

Adult bookstore, adult video store or adult novelty store, referred to as *adult bookstore* in this Code, means a commercial establishment which devotes more than one third (1/3) of its total display area to any of the following and:

1. Which offers for sale or rental, for any form of consideration, books, magazines, periodicals, photographs, films, motion pictures, video cassettes or video reproductions, slides, or other printed or visual matter that predominantly depict or describe "specified sexual activities" or "specified anatomical areas"; or
2. Which offers for sale or rental instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities", excluding condoms and other birth control and disease prevention products; or
3. Which regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented or displayed therein.

Adult cabaret means a nightclub, bar, restaurant, or similar commercial business which regularly features:

1. Persons who appear in a "state of nudity";
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult motel means a hotel, motel or similar commercial establishment that:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas" as one of its principal business purposes;
2. Offers a sleeping room for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult motion picture theater means a commercial business where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are predominantly characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult-oriented business means the opening or commencement of, or the conversion of an existing business to, or the addition to any other existing business of, or the relocation of any of the following: "adult arcade", "adult bookstore or video store", "adult motion picture theater", "adult theater", "adult cabaret", "adult motel", "escort", "escort agency or bureau", "nude model studio", "sexual encounter center", "adult service", "adult service business", "adult video facility" and "adult novelty store".

Adult service means a dance, performance or other activity, including, but not limited to, service of food or beverages, modeling, posing, wrestling, singing, reading, talking, or listening conducted for any consideration in an adult service business by a person who is nude during all or part of the time that the person is providing the service.

Adult service business means a commercial establishment where any adult service is provided to patrons in the regular course of business and as one of the principal business purposes of the establishment, and includes, but is not limited to, a nude model studio or sexual encounter center as defined in the zoning ordinance.

Adult video facility, adult theater or adult arcade, referred to as *adult video facility* in this Code, means a commercial establishment where, for any consideration, the public is permitted or invited wherein films, motion pictures, video cassette projections, slides, photographs or other visual media predominantly characterized by depiction of "specified sexual activities" or "specified anatomical areas" are shown electronically, electrically, mechanically or by other means in the regular course of business and as a business purpose of the establishment. *Adult video facility* does not include a theater where all viewing occurs in a common area with seating for fifty (50) or more persons.

Advertising copy see "sign."

Alley means a dedicated right-of-way, other than a street, that provides rear property access or service needs.

Alteration means a physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:

1. Changes to the facade of a building;
2. Changes to the interior of a building;
3. Increases or decreases in floor area of a building;
4. Changes to other structures on the site or the development of new structures;
5. Changes to exterior improvements;
6. Changes to landscaping; and
7. Changes in the topography of the site.

Alteration, exterior means a physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways. Exterior alteration does include the following:

1. Changes to the facade of a building;
2. Increases or decreases in floor area that result in changes to the exterior of a building;
3. Changes to other structures on the site or the development of new structures;
4. Changes to exterior improvements;
5. Changes to landscaping; and
6. Changes in the topography of the site.

Amusement game arcade means a building or portion thereof having within its premises:

1. Ten (10) or more amusement game devices; or
2. Fifteen percent (15%) of the net floor area of the primary use or nine (9) or fewer amusement game devices when not utilized in conjunction with a primary commercial use which is permitted by right or as a conditional use. Net floor area for the purpose of this definition is that area available for customer use.

Amusement game device means any electrical or mechanical apparatus or device for which payment is charged for use as a game or contest, including video games and pinball machines, but not including:

1. Vending machines;
2. Juke boxes;
3. Pool tables and billiard tables as those terms are used in Section 6.56.010 of Title 6; and
4. Peep show devices as defined in Section 6.80.010 of Chapter 6.80 of Title 6.

Antenna dish see "mechanical equipment".

Apartment house means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as the residence of three (3) or more families living independently of each other and where each has cooking facilities.

Attached single-family housing see "single-family dwelling, attached".

Automobile service station means a place of business having pumps or storage tanks from which liquid fuel or lubricants are dispensed at retail directly into the motor vehicle. Sales and installation of auto accessories, washing, polishing, inspections, and cleaning may be carried on incidental to the sale of such fuel and lubricants. When a convenience store or restaurant is co-located with a service station, the Development Services Manager may interpret the store or restaurant as another primary use and not incidental to the service station.

Automobile wrecking yard see "junkyard".

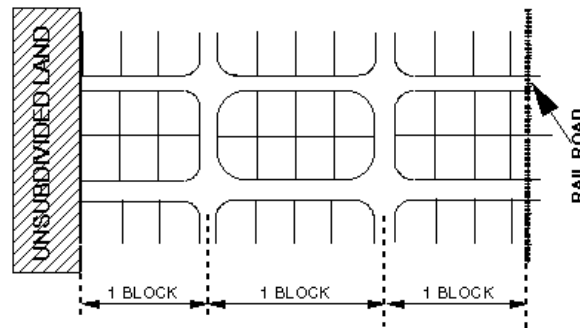
Section 7-103 "B" Definitions.

Bar means an establishment, including, but not limited to, a cocktail lounge, discotheque, night club or tavern, the main use of which is to serve spirituous liquors for on-site consumption. Such a facility may serve food, provide dancing and entertainment as well as operate equipment commonly found in a video or live arcade, as an accessory use (s) to the bar. See also, "pub."

Bed and breakfast inn means a use providing lodging and meals for guests in not more than five (5) bed rooms on a daily or weekly basis in an operator- or owner-occupied dwelling that is primarily used for this purpose. The use is operated as a commercial enterprise, provides direct bookings from the public, and includes inns that operate restaurants offering meals to overnight guests.

Billiards hall means an establishment containing four (4) or more billiard tables and which may indulge in the sale of alcoholic beverages, as well as the operation of equipment commonly found in a video arcade.

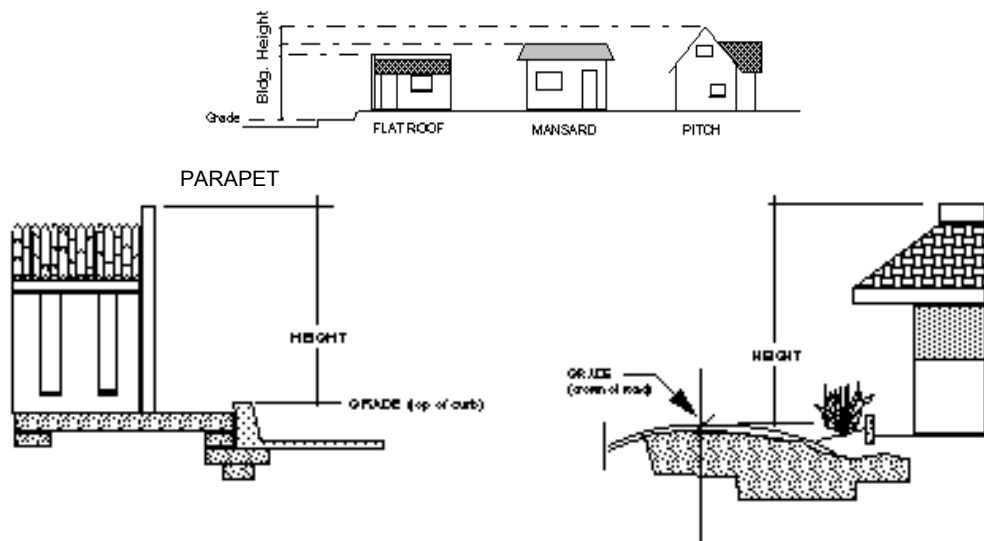
Block means that property abutting one side of a street and lying between the two (2) nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided land, or waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.



Building means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

Building, enclosed means a structure completely enclosed by a roof and walls of approved construction.

Building, height means the vertical distance measured from the grade or top of curb to the highest point of the roof, including any parapet.



Building, main (also referred to as the primary building) means a building where the principal use of the lot is conducted. In any residential district, any dwelling shall be the main building of the lot; except where an accessory dwelling exists, only one dwelling, the primary dwelling, shall be deemed the main building.

Building addition means any extension or increase in floor area or height of a structure.

Section 7-104 “C” Definitions.

Call center means any place of business where the primary activity is telephone or computer solicitation, survey or other function that is similar.

Car wash means a car washing facility; it includes both automated and non-automated facilities, self-serve and full-serve (i.e., with and without employees on-site). Windshield repair as an accessory use.

Car wash, automated means a conveyer or automated type car washing facility that may or may not have any employees on-site.

Church means a permanently located building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body to sustain public worship and church-related uses. See a “place of worship”.

Civic use see “public uses.”

Clinic means a building in which one or more physicians work including supplying pharmaceutical and optical needs, conducting medical tests, or other common ancillary uses to a medical office, without overnight patient occupancy; servicing humans (medical, dental) and small animals (veterinary).

Club, private means an institution used for athletic, social or recreational purposes and operated by a private nonprofit organization, membership to which is by written invitation and election according to qualifications in the club's charter or bylaws and the use of which is generally restricted to members and their guests.

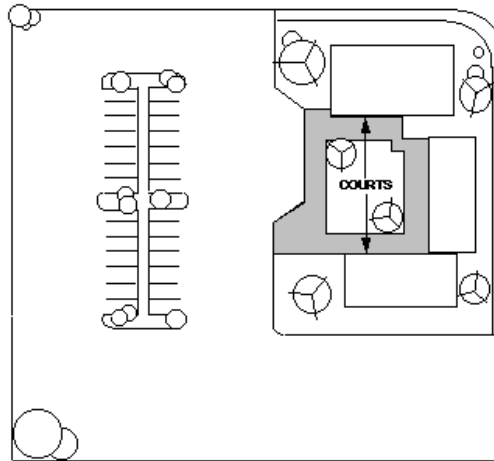
Common wall means the abutting walls of two buildings.

Conceptual landscape plan means the same as a “landscape plan” as defined, except that shrubs, ground cover and vines may be indicated by size, quantity, name and general locations on the site.

Condominium means a building space designated for individual ownership, not including land, together with an interest in any common ownership land or improvements. Real estate is not a condominium unless the undivided interests in the common units are vested in the unit owners. See also “horizontal regime.”

Contiguous means in contact with.

Court means a space, other than a setback yard, that is open and unobstructed to the sky, and located on the same lot with a building or group of buildings which bound it on two or more sides and face each other. A court or courtyard typically provides amenities such as gardens, planters, seating, art or similar features. The width of a court shall be its least horizontal dimension as measured from the face of buildings or to columns, posts, overhangs or balconies, as applicable.



CPTED or Crime Prevention Through Environmental Design means the design and use of the built environment to lead to reduced fear and incidence of crime, and an improvement in the quality of life. In Tempe, CPTED is based upon five internationally recognized principles that are basic to crime prevention philosophy.

Section 7-105 “D” Definitions.

Develop means to construct or alter a structure or to make a physical change to the land including excavations and fills.

Development means all improvements on a site, including buildings, other structures, signs, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also “exterior improvements”.

Development, new means development of a site that was previously unimproved or that has had previously existing buildings demolished.

Development plan means a plan prepared to scale, showing all the buildings, site improvements (for example, parking, landscapes, walls, signs, lighting, access and circulation and utilities) and uses proposed for a specific property, consistent with Section 6-307.

Density means the ratio of dwelling units per acre. Allowable density is based on gross site area (i.e., parcel area, including areas required to be dedicated for public purposes).

Density, allowable means the ratio of dwelling units per gross site area.

Disabled means a person who:

1. Has a physical or mental impairment which substantially limits one (1) or more of such person's major life activities;
2. Has a record of having such an impairment; or
3. Is regarded as having such an impairment. However, "disabled" shall not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]), nor shall it include any person whose residency in a group home would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

Domestic partner means a person who:

1. Shares your permanent residence;
2. Has resided with you for no less than twelve (12) consecutive months as proven by a lease or common ownership of real property;
3. Is no less than eighteen (18) years of age;
4. Is not a blood relative to who marriage would be prohibited in Arizona;
5. Is not currently married to another person;
6. Does not have any other domestic partner, spouse or spousal equivalent of the same or opposite sex;
7. Has not signed a domestic partner affidavit or declaration designating any other person as their domestic partner within 6 months; and
8. Is financially interdependent with you and has proven such by either common ownership or tenancy of real property and two (2) of the following:
 - a. Common ownership of a motor vehicle;
 - b. Joint bank or credit account; or
 - c. Designation as a beneficiary for life insurance or retirement benefits or under your partner's will or assignment of a durable power of attorney.

Drive-through use means a use involving a business that allows for transactions for goods or services without leaving a motor vehicle.

Drive-through facility means any window, automatic teller machine, kiosk, cashier or other feature of a business, building or site that is associated with a drive-through use.

Duplex means a building with two (2) attached dwelling units on one (1) lot or parcel.

Dwelling means an enclosed space providing complete, independent living facilities for a family including permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 7-106 “E” Definitions.

Entertainment means a presentation of, or participation in, live singing, dancing, musical instrumentation, dramatic, prosaic or poetic activities or similar activities.

1. Theater or similar use means a building used for movies, symphonic, plays or similar theatrical productions.
2. Amusement means an indoor entertainment or recreational use such as indoor miniature golf, ice rink, rock climbing, bowling or similar recreational or amusement activity.
3. Outdoor, permanent means an outdoor entertainment use such as an amphitheater, outdoor miniature golf, amusement park, or other similar outdoor activity.

Escort means a person who agrees or offers, for consideration, to privately model lingerie or to privately perform a striptease for another person; or who offers for pecuniary compensation, dates, socializes, visits, consorts with or accompanies others to or about social affairs, entertainment or private quarters.

Escort agency or bureau means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

City code reference—See TCC §16A-56, escort definitions and rules.

Section 7-107 “F” Definitions.

Family means:

1. One (1) or more persons related by blood, adoption, marriage or as domestic partners as defined in Section 7-105, and not more than two (2) additional persons living together in a dwelling unit; or
2. Not more than three (3) persons who are not related by blood, adoption, or marriage or as domestic partners, living together in a dwelling unit.

Floor Area Ratio means the ratio of gross leasable floor area on a site to total site area.

Section 7-108 “G” Definitions.

Garage, commercial means a building designed or used for servicing, repairing, or storing motor vehicles for compensation.

Garage, private means a building, or portion thereof, in which motor vehicles used by the tenants on the premises are stored or kept. A private garage may also provide public parking.

Garage, public parking means a building, or portion thereof, in which the public may park motor vehicles with or without a fee.

Grade means the top of curb, or top of crown of a street where no curb exists, as established at the midpoint of the front of the lot used for establishing building heights.

Group home for adult care and child shelter means a dwelling shared as a primary residence by adult persons or used as a child shelter, and including resident staff who live together as a single housekeeping unit in an environment in which staff persons provide care, education and activities for the residents; but not including medical institutional uses, alcoholism or drug treatment centers, community corrections facilities and adult shelter care facilities. This definition shall not apply to a home for the developmentally disabled as regulated by A.R.S. §36-582 to the extent of state preemption of local zoning regulations. For the purpose of this definition, children are under the age of eighteen (18).

Guest quarters means an attached building used to house guests of the occupants of the main building.

Guest room or sleeping room means a room within a single-family residence, which is designed or intended to be used by guests of the occupants of the single-family residence.

Section 7-109 “H” Definitions.

Home occupation means a business activity that is carried out on the same site as a dwelling unit, and which is accessory to the household living use on the site.

Hospital means a building where the sick or injured are given in-patient medical or surgical care, including ancillary uses common to medical needs, such as pharmacies and medical labs. (Not a clinic.)

Horizontal regime means the three dimensional area in a condominium plat that is under a single ownership.

Hotel means a building that contains more than five (5) guest rooms.

Section 7-110 “I” Definitions.

Intensity means dwelling unit density, employment density and/or floor area ratio, whichever is applicable.

Intersection means the intersection of two (2) or more streets, alleys, or combination thereof.

Irrigation plan means a plan prepared to scale showing the layout and details of an irrigation system, including the type and location of all materials used.

Irrigation system means the combination of elements such as automatic controllers, meters, pressure vacuum breakers, pipes, valves, emitters, bubblers, spray heads, tubing and other materials designed for the purpose of transporting water to landscaping.

Section 7-111 “J” Definitions.

Junkyards means the use of a lot, or portion thereof, for the outdoor storage, keeping or abandonment of junk, dismantled automobiles or other vehicles, recyclable goods, or machinery, or parts thereof including scrap metals, rags or other scrap materials.

Section 7-112 “K” Definitions.

Kennel means any establishment at which dogs and cats are bred or raised for sale, or boarded or cared for commercially, exclusive of dental, medical or surgical care.

City code reference—See TCC §6-21, definition of kennel.

Kindergarten see "nursery school".

Kitchen means an enclosed place equipped with cooking facilities.

Section 7-113 “L” Definitions.

Laboratory means a building, or portion thereof, used or intended to be used for experimentation, observation, testing or analysis.

Landfill means the use of a site for the permanent disposal or storage of rubble, construction debris, waste, miscellaneous by-products and any other materials not naturally found on the site.

Landscape, landscapes mean any combination of living plant material such as trees, shrubs, cacti, vegetative ground cover or turf; and structural features such as walkways, fences, walls, pergolas, arbors, gates, benches, plazas, works of art, water features (e.g., reflective pools, fountains, or the like), and similar features. Landscapes also include irrigation systems and any mulches, rock, topsoil, revegetation or the preservation, protection and replacement of existing landscape material.

Landscape, low water use means non-plant materials, plant materials native to the Sonoran, Chihuahuan and Mojave deserts, and plant materials with water consumption similar to the native plants.

Landscape, water intensive means bodies of water, water features, turf and non-native plants that require substantial water to survive.

Landscape plan means a plan prepared to scale showing elements such as trees, shrubs, ground cover, vines, sculpture, all walls, lighting, other organic and inorganic materials and an automatic irrigation system. The plan shall include a plant list, indicating the size and name, both botanical and "generic", of all plant material to be used.

Laundry facility, self-service means a laundromat or similar business where customers wash their clothes.

Laundry facility, full-service means a business where clothes cleaning, tailoring and similar services are performed by employees, and may include delivery service.

Laundry facility, industrial means a full-service laundry facility that is greater than five thousand (5,000) square feet in floor area.

Lighting, photometrics plan means a plan prepared to scale showing the layout and details of lighting and photometrics, including the type and location of all materials used; the plan is overlaid on a screened landscape plan to avoid conflicts between lights and other features.

Live-Work means a residential occupancy, by a single housekeeping unit, of one (1) or more rooms or floors in a building, which includes:

1. Cooking space and sanitary facilities in conformance with city building standards;

2. Adequate working space accessible from the living area, reserved for, and regularly used by, one or more persons residing therein; and
3. Working space uses that conform to the standards in Section 3-414.

Lodge see “club, private”.

Lot means a parcel of land, or two (2) contiguous parcels, to be used as a unit under provisions of this Code, as shown in the records of the Maricopa County Recorder's office, and having its principal frontage on a city approved access way. In any district where a half-street has been dedicated not less than twenty-five (25) feet in width, lots facing on such half street shall be deemed to have frontage on a street. Where two (2) lots are to be built upon as one site, a lot-tie affidavit shall be recorded through the Development Services Department. More than two (2) lots shall require a subdivision.

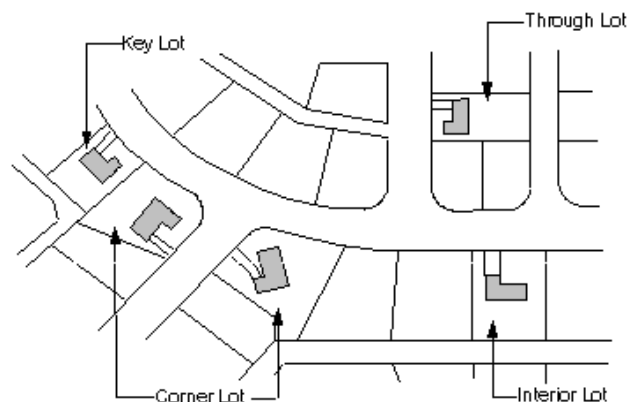
Lot, corner means a lot abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five degrees (135°). A corner lot shall be considered to be in that block in which the lot fronts.

Lot coverage (except as noted in Table 4-202C) means the area of a lot covered by a building or buildings expressed as a percentage of the total lot area, and measured from the exterior faces of foundation wall, slab and/or footings, and not including the sum of the several floors of a multistory building or canopies, arcades, porticos, awnings or similar unenclosed structures.

Lot, interior means a lot having one (1) side abutting on a street.

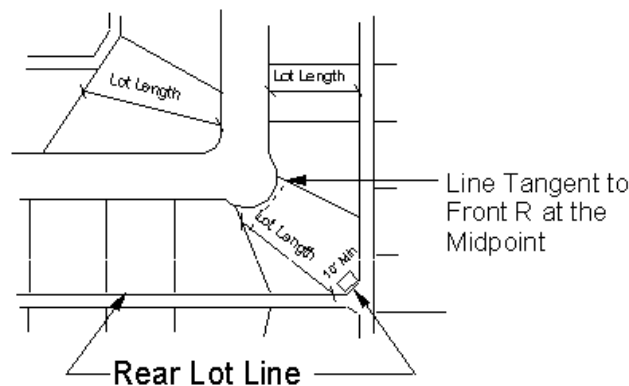
Lot, key means an interior lot, one (1) side of which is contiguous, or separated only by an alley, to the rear line of a corner lot.

Lot, through means a lot abutting two (2) parallel or approximately parallel streets.

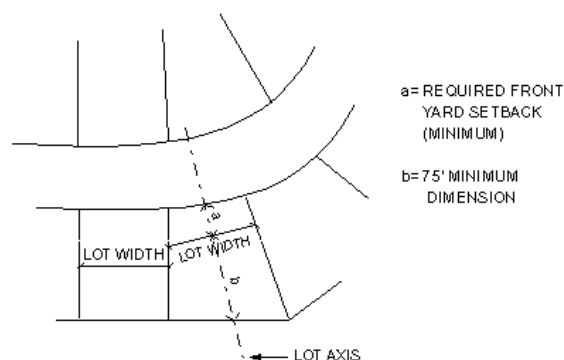


Lot dimensions means the following:

1. *Lot length.* The length of a lot shall be:
 - a. If the front and rear lot lines are parallel, the perpendicular distance between front and rear lot lines;
 - b. If the front and rear lot lines are not parallel, the distance between the midpoint of the front lot line and the midpoint of the rear lot line; and
 - c. If the side lot lines are not parallel, the shortest distance between the front lot line and a line parallel to the front lot line, not less than ten (10) feet long lying wholly within the lot.

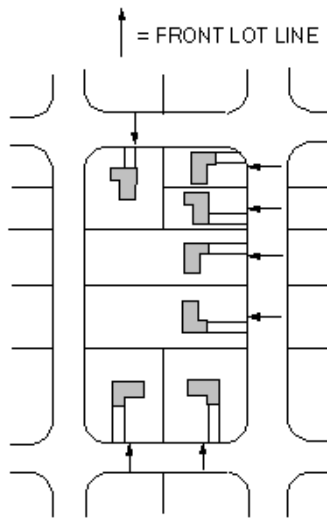


2. *Lot width.* The width of a lot shall be:
 - a. If the side lot lines are parallel, the shortest distance between these side lines; and
 - b. If the side lot lines are not parallel, the width of the lot shall be the length of a line measured perpendicular to the axis of the lot at a point which is equal to the required front yard setback for the district in which located. Such lot shall have a minimum length of seventy-five (75) feet beyond the point of required lot width. The axis of a lot shall be a line joining the midpoints of the front and rear lot lines.

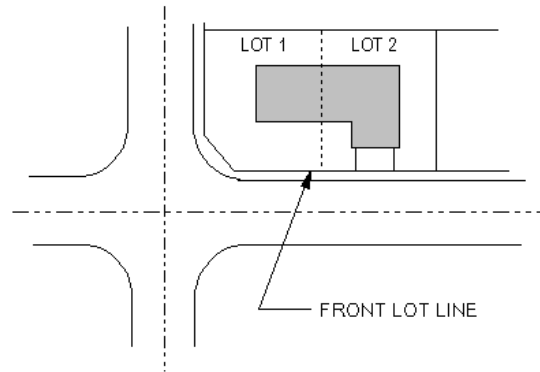


Lot line (property line) means the following:

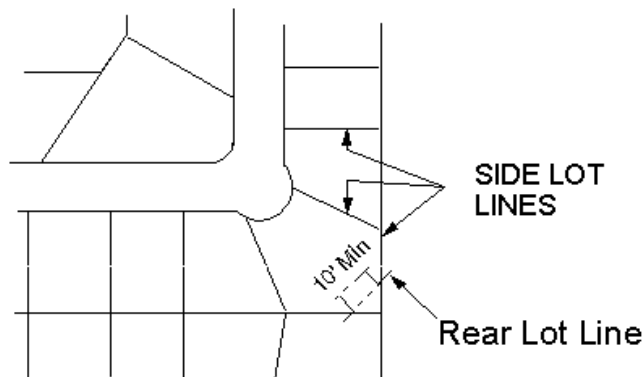
1. *Front.* The front lot line of a lot shall be determined as follows:
 - a. *Corner lot.* The front lot line of a corner lot shall be the shorter of the two (2) lines adjacent to the streets. Where lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing frontage of the other lots on the block. If such front is not evident, then either may be considered the front of the lot but not both;
 - b. *Interior lot.* The front lot line of an interior lot shall be the line coterminous with the street frontage; and
 - c. *Through lot (reverse frontage).* The front lot line of a through lot shall be that line which is the front by reason of the prevailing frontage of the other buildings on the block. Where such front lot line is neither evident nor established by a recorded plat, the Zoning Administrator shall determine the front lot line. Such a lot over two hundred (200) feet deep may be considered, for the purposes of this definition, as two (2) lots each with its own frontage, but this definition does not constitute a lot split.



- d. *Two or more lots.* Where two (2) or more lots are used as a building site and where the main building crosses lot lines, then the entire area is considered as one (1) lot, except that the front of the parcel is determined to be the front of the individual lots as originally platted or laid out. Exception: the lots are considered as separate lots when the applicable building code standards are met (i.e., as in the case of uses with common walls).



2. *Rear.* The rear lot line of a lot is that lot line opposite to the front lot line. Where the side lot lines meet in a point (if a radius, an extension of side lot lines to an intersecting point), the rear lot line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.
3. *Side.* The side lot lines are those lot lines connecting the front and rear lot lines.



Section 7-114 “M” Definitions.

Maintenance means the replacing of a part, or parts, or the general periodic upkeep, of buildings, structures, landscaping and lighting, made unusable or deteriorated by ordinary wear or tear, vandalism, or by the weather that does change form, materials or color.

Manufactured building means a transportable building that is manufactured specifically to be transported and placed on a building site. Includes manufactured homes, mobile homes, manufactured office and storage buildings, and similar buildings.

Manufactured home means a transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the United States Department of Housing and Urban Development.

Mechanical equipment means any equipment ancillary to the function of a structure including, but not limited to, heating or cooling equipment; pool pumps and filters; electrical equipment, transformers, satellite receiving earth stations, including dishes and antennas; vaults and cabinets for telecommunication towers; solar heating/cooling devices; exhaust stacks and roof vents; and similar equipment.

Mezzanine means an intermediate building story that projects in the form of a balcony.

Mini-warehouse means a commercial use in which enclosed storage space divided into separate compartments no larger than five hundred (500) square feet in area is provided for use by individuals to store personal items or by businesses to store material for operation of a business establishment at another location.

Mixed-Use means the combination on a site of residential uses with commercial uses.

Mobile home means a dwelling unit built on a chassis in excess of eight (8) feet in width and forty (40) feet in length and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or a permanent foundation for permanent living quarters.

Mobile home park means a development providing rental or individually-owned spaces for occupancy by mobile homes, together with certain accessory buildings and uses provided for the benefit and enjoyment of the residents of the park.

Mobile home subdivision means a single-family subdivision that is to be used specifically as single-family residential uses, for mobile homes. Expressly prohibited for residential purposes are buses, recreational vehicles, motor homes, campers, trailers and other similar vehicles.

Model homes means single-family residential homes built and used by developers for the initial purpose of showing prospective buyers similar type homes for sale. Model homes are not used for residential purposes until the home is sold for this use.

Motel see "hotel".

Motor vehicle see "vehicle, motor".

Multi-family dwelling means two (2) or more dwelling units in one structure.

Section 7-115 "N" Definitions.

Non-conforming situation means a use or development that does not conform to a Code standard.

Non-conforming development means a development that does not fully comply with a Code standard because of setbacks, building height, lot coverage, signs, landscapes or with some other standard of this Code.

Non-conforming use means a use that is not permitted outright and has not received conditional approval (e.g., use permit) in the district, but was lawfully established prior to it becoming nonconforming.

Nude model studio means a place where the primary use involves a person who regularly appears in a "state of nudity", displays "specified sexual activities" or the exposure of "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who transfer any form of consideration.

Nudity/state of nudity means without opaque non-flesh colored fabric fully covering the human anus, pubic region, male genitals, female genitals, and female breasts below the top of the areola.

Nursery and day care, in home means the use of a residence for the purpose of day care of children.

Nursery and day care school means any use, regulated by the State of Arizona, for day care of children and accommodating more than ten (10) children. Some instructions may be offered in connection with such care. The use shall not be considered a "school" within the meaning of this Code.

Section 7-116 "O" Definitions.

Office means a place where a particular kind of business is transacted or a service is supplied, excluding retailing, according to the following:

1. A place in which functions, such as consulting, record keeping or clerical work are performed; or
2. A place in which a professional person (e.g., a physician or lawyer) conducts professional services.

On-site lighting means any illumination source or illumination device, except lighting used for signs that is located on a lot and is visible from outside the building(s) on the lot.

Open space, usable means an open space, which is of appropriate size, shape, location, and topographic siting so that it provides landscaping, pedestrian access, or opportunity for outdoor recreational activity. Parking areas and driveways are not usable open spaces, except as permitted for convertible use with parking and/or open space (e.g., plaza).

Outdoor dining means a space dedicated to the adjacent restaurant for use by their patrons.

Overlay district means a special zoning district that modifies regulations in an underlying zoning district with which the overlay zoning district is combined.

Section 7-117 “P” Definitions.

Parking means parking areas for licensed motor vehicles or bicycles.

Parking affidavit means a document provided by and filed with the development services department that transfers the rights to the unqualified availability of a specific number of parking spaces from one property (which can no longer take credit for them) to another for as long as the spaces are required by ordinance.

Parking lot means a parcel of land upon which vehicle parking is provided.

Parking lot, pay lot means a parking lot where the general public may park a motor vehicle by paying a charge or fee for the usage. Includes public and private parking lots.

Parking, shared means parking which serves multiple users to meet their required parking.

Parking, structured means a covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure, where there is gross building area below the parking, but nothing above it, is structured parking. The structure can be the primary structure for a commercial parking facility or be accessory to multi-dwelling residential, commercial, employment, industrial, institutional, or other structures. A structure that is accessory to a single-dwelling residential structure (including houses, attached houses, duplexes, mobile homes, or houseboats) is a garage and is not included as structured parking.

Parking, surface means a parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area.

Photometry plan means an engineered point by point illumination plan that shows expected security lighting levels in foot-candles of light every ten (10) feet on center. A photometry plan is required to provide lighting levels for the entire site.

Place of worship means an institution, such as a church, temple, mosque, synagogue or other structure, together with its accessory structures, used primarily for religious worship. See “church”.

Planned area development (PAD) means an application that modifies the standards of the base zone district(s) and is processed under the Planned Area Development (PAD) procedures in Section 6-305.

Principal use parking means a parking lot or parking structure that is on a site not with any other principal land use.

Property line means the same as "lot line".

Pub (Public House) means a restaurant with a malt beverage and wine license that identifies itself as a pub; may serve spirits or be limited to beer and wine. See also, "bar".

Public art means objects such as sculpture, water feature(s) or other multidimensional design that is viewed by the general public. The object(s) are to be located in spaces visible or accessible to the public in general so as to be enjoyed by the community at large, and are not to be a business logo or address marquee. Public art can also be used to enhance site safety and security. See also, criteria for public art approval in Appendix D, Art in Private Development.

Public uses means a public project or city facility, such as a community center, park, municipal facility and other similar civic facilities.

Section 7-118 "Q" Definitions.

[reserved]

Section 7-119 "R" Definitions.

Recreational vehicle (RV) means any motor vehicle that is designed or customarily used for sleeping or camping.

Restaurant means an establishment which derives at least forty percent (40%) of its gross revenue from the sale of prepared food.

Restaurant, drive-in means a building or structure where prepared food and drink are sold for consumption on the premises by order from and service to vehicular passengers outside the structure.

Restaurant, drive through means a building or structure where prepared food and drink are sold for consumption within the interior of the building, within exterior dining areas, or off the premises by order from vehicular passengers outside the structure.

Retail means the business of selling personal property directly to the ultimate consumer for any purpose other than for resale.

Roof means a continuous solid sheathing cover on a structure which provides protection from rain, wind, sun or other natural elements.

Section 7-120 “S” Definitions.

School means any building, portion of building, or group of buildings which is designed, constructed, and used for education or instruction in any branch of knowledge. See below for varying types of schools. See also "tutoring center."

1. “Charter school” means a private school operating under a contract with a public school district.
2. "Dance, music, art, martial arts school" means a school that primarily teaches skills in the fine arts, performing arts or martial arts.
3. "Private school” means any building, portion of building, or group of buildings used for elementary or secondary or higher education that does not secure the major part of its funding from a governmental agency, or is a charter school.
4. "Public school” means any building, portion of building, or group of buildings used for elementary or secondary or higher education that secures the major part of its funding from a governmental agency and is not a charter school.
5. "Vocational school" means a school that primarily teaches usable skills to prepare students for jobs in a trade. Also may be known as a business school/college or trade school.

Screening device means any landscaping or structure intended to fully or partially conceal an activity or mechanical element from view, adjacent uses, properties or streets.

Second story, single-family means any floor level that is above the ground or main floor of the dwelling, except mezzanines per building code.

Service means useful labor that does not produce a tangible commodity.

Setback means the least horizontal distance between a building, structure, or wall, and a property line.

Sexual encounter center means a non-medical business, which offers for any form of consideration:

1. Activities between persons when one or more of the persons is in a "state of nudity"; or
2. The matching and/or exchanging of persons for "specified sexual activities".

Sign means any device providing identification, advertising or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. Including in this definition of signs are: graphic devices such as logos, trademarks, and attention attracting objects such as wind-driven spinners and portable sign devices, logo sculpture and, banners, balloons, streamers, strobe lights,

flags, inflatable structures, projected picture signs, holographic projection signs, laser projected designs/images/copy and other attention attracting media and devices. Signs on buses, taxis, etc., are not exempt.

1. *Cemetery headstone, marker* means any tablet, grave markers, headstones, statuary or remembrances of persons or events that are noncommercial in nature;
2. *Complexes, centers* means any number of businesses greater than one that share the same site using common points of ingress and egress, or common parking facilities;
3. *Flags* means the state flag, United States flag, corporate flags for registered corporations, flags of foreign nations, flags displaying a business name, trademark, or logo, and decorative flags;
4. *Holiday decorations* means any decorative lighting, bunting, wreaths, laurels, trees, caricatures, and other objects that pertain to a specific traditionally accepted civic, patriotic or religious holiday. This definition does not include balloons;
5. *Roadside memorial* means the same as cemetery headstone/marker, except that such signs are located along street frontages and/or in city right-of-way;
6. *Sign, address* means a sign consisting of numerals and/or letters identifying a property address;
7. *Sign, advertising* means a sign that includes advertising copy or graphics relating to any service, product, person, business, place, activity or organization in addition to simple identification;
 - a. *Advertising copy* means copy includes, but is not limited to phone numbers, prices, announcements of sales, business hours, meeting times, individual or specific products or merchandise, and directional information. A business name, trademark, and street address, are not considered advertising copy;
8. *Sign, awning* means a sign, that is printed, painted, or affixed to an awning;
9. *Sign, banner* means a sign, that is painted or displayed upon cloth or other flexible material;
 - a. *Civic banner program* means a program administered by the community special event section under direction of the City Council that is intended to support the civic and cultural programs of the city through the implementation and use of banners displayed on city property. From time to time the City Council may choose to modify the program in order to meet these goals;

10. *Sign, billboard* means the same as off-premise sign;
11. *Sign, boutique direction* means a sign of a temporary nature used to direct traffic to an in-home boutique;
12. *Sign, brand identification* means a sign that advertises a specific product or service that is sold within a business;
13. *Sign, building mounted* means a sign that is directly attached to the face of a building;
14. *Sign, ceased* means a sign that lacks any identifiable content for a period of twelve (12) months or more;
15. *Sign, changeable copy/marquee* is a sign, that utilizes changeable letters, copy or numerals;
16. *Sign, construction* means a sign that identifies the parties included in a construction project that has been granted a building permit;
17. *Sign, directional* means a sign, that includes copy offering pertinent directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic;
18. *Sign, directory* means a sign that lists the name, use or location within a building, complex, or multi-tenant development;
19. *Sign, flag-mounted* means a sign that projects from the roof or wall of a building perpendicular to a wall surface;
20. *Sign, freestanding* means a sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of building;
21. *Sign, future development* means a sign, that announces the proposed development of property prior to the issuance of a building permit;
22. *Sign, going out of business* means a sign indicating that the business displaying the sign will cease and be discontinued at a specific location;
23. *Sign, grand opening* means a sign that is utilized to indicate that a new business is now open to the public;
24. *Sign, identification* means a sign that includes as copy only the name of business, place, organization, building or person it identifies;

25. *Sign, illuminated* means a sign whose surface is lit, internally or externally, and that identifies, advertises or attracts attention to a use or activity on the premise;
26. *Sign, intermittent or flashing* means a sign which by means of electrical devices gives the effect of intermittent movement, or changes to give two or more visual effects, or alternates with a lit and unlit effect;
27. *Sign, lead-in* means a temporary portable sign used to direct pedestrian or vehicular traffic to a home (or residential unit) that is for sale or rent;
28. *Sign, menu board* means a permanently mounted sign advertising the bill of fare for a restaurant, drive-in or drive-through restaurant;
29. *Sign, multi-tenant* means a sign that includes as copy, the names of two (2) or more businesses, places, organizations, buildings or persons it identifies;
30. *Sign, off-premise/off-site* means a sign that directs attention to a business, product, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term off-premise/off-site sign shall include an outdoor advertising sign (billboard) on which space is leased, rented, or donated by the owner thereof to others for the purpose of conveying a commercial or non-commercial message;
31. *Sign, on-premise/on-site* means a sign that directs attention to a business, product, commodity, service, entertainment or attraction sold, offered or existing upon the same lot where such sign is displayed;
32. *Sign, political* means a temporary sign used to advertise the candidacy of an individual, ballot proposition, or to encourage citizens to vote;
33. *Sign, portable* (sandwich sign) means any sign that is not permanently affixed to any structure on a site or permanently ground mounted;
34. *Sign, projecting* means a sign mounted to the façade of a building and extending from the building façade;
35. *Sign, pump-topper* means a sign affixed to the top or sides of an operable fuel-dispensing pump.
36. *Sign, roof-mounted* means a sign that projects above the highest point of the roof line, parapet or fascia of a building;
37. *Sign, sale, lease or rent* means a temporary sign used to advertise the availability of real property;

38. *Sign, service station* means a permanently mounted sign displaying business identification and the retail cost of a gallon of gas/diesel/propane/natural gas/hydrogen, or cost of electrical recharging on the premises of a business that provides motor vehicle fuels or electrical power;
39. *Sign, significant event* means an anniversary, business opening, change in ownership or management, or similar event as approved by the Zoning Administrator;
40. *Sign, soffit* means a sign that is suspended from the underside of a lintel, arch or other overhead spanning member and is hung perpendicular to a vertical wall surface;
41. *Sign, subdivision advertising* means a temporary sign used to advertise a recorded subdivision;
42. *Sign, subdivision identification* means a permanent sign used to identify the name of a particular recorded subdivision;
43. *Sign, unauthorized* means a sign that is illegally displayed in the City of Tempe;
44. *Sign, wall mounted* means a sign that is permanently affixed to any vertical portion of a building for which the sign is intended to identify or advertise; and
45. *Sign, window* means a sign or signage placed in a window so as to attract the attention of persons outside of the building where the sign or signage is placed.

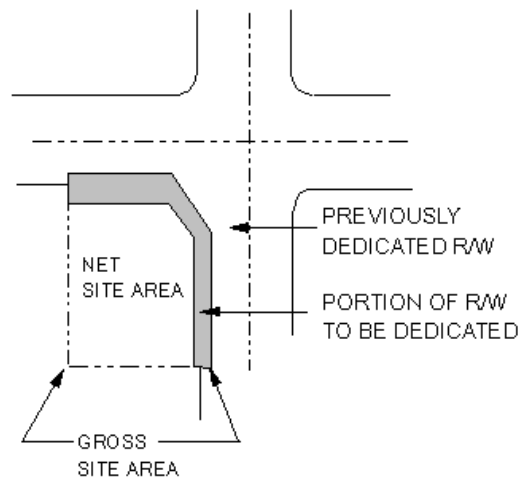
Sign package means a detailed description, including, but not limited to, type, size, color, and location of all signage.

Single-family dwelling means a dwelling for one family on an individual lot.

Single-family dwelling, attached means two or more single-family dwellings with common walls; except does not include single-family dwellings and accessory dwellings sharing a common wall(s).

Site area, gross means the total ground area purchased by the present owner, including any proposed portions to be dedicated for public use such as, streets, alleys, easements or other. The allowable density is based on gross site area.

Site area, net means the remaining ground area of the gross site area after deleting all portions for proposed perimeter rights-of-way and alleys.



Specified anatomical areas means the human anus, pubic region, male genitals, female genitals, or female breast below the top of the areola that are less than completely and opaquely covered by non-flesh colored fabric; or human genitals in a state of sexual arousal, even if completely and opaquely covered.

Specified sexual activities means actual or simulated sexual intercourse, masturbation, oral copulation, sodomy, flagellation, bestiality, fondling or other erotic touching of human genitals, pubic region, buttocks, anus, the female breast or any combination thereof. As well as, human genitals in a state of sexual arousal or excretory functions as part of or in connection with any of the activities set forth herein.

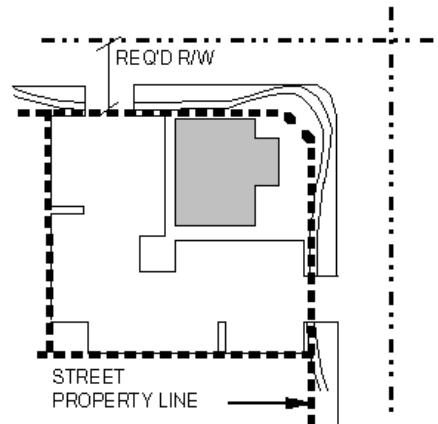
Station area means an area lying within a prescribed distance of a light rail transit station.

Street means a right-of-way and the improvements contained therein, consistent with the Comprehensive Transportation Plan.

Street, private means a local street that is privately owned and maintained.

Street, public means a street built to city standards and dedicated for public use. For specific street types, refer to the Comprehensive Transportation Plan.

Street property line means the boundary which separates the required or actual street right-of-way, whichever is greater, whether dedicated or not, from abutting property according to the City of Tempe Street Standards.



Structure means any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Subdivision means the land divided into two (2) or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. *Subdivision* also includes any condominium, community apartment, townhouse or similar project containing two (2) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

City code reference—See TCC §30, Subdivisions.

Section 7-121 “T” Definitions.

Tourist court see "hotel".

Townhouse means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in a subdivided lot.

Trailer means any platform or frame with wheels that is designed or customarily used to carry personal property and for being drawn or towed by a motor vehicle.

Trailer park means any lot, tract, or parcel of land used or offered for use in whole or in part for the rental of trailer sites for the parking of three (3) or more recreational vehicles.

Tutoring center means a facility that provides assistance and instruction to students enrolled in schools. The facilities themselves are not schools where attendance results in the confirmation of a degree.

Section 7-122 “U” Definitions.

Use permit means a permit granted to a property owner or lessee to conduct a use allowed conditionally.

Section 7-123 “V” Definitions.

Variance means a license, granted by a city board to deviate from a regulation of the city’s Code.

Vehicles, motor means vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks and recreational vehicles with motive power.

Vehicle repair, major means an automotive retail sales and service use in which one (1) or more of the following activities are carried out:

1. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over ten thousand (10,000) pounds gross vehicle weight;
2. Collision services, including body, frame or fender straightening or repair;
3. Overall painting of vehicles or painting of vehicles in a paint shop;
4. Dismantling of motorized vehicles in an enclosed structure.

Vehicle repair, minor means an automotive retail sales and service use in which general motor repair work is done as well as the replacement of new or reconditioned parts in motorized vehicles of ten thousand (10,000) pounds or less gross vehicle weight; but not including any operation included in the definition of "major vehicle repair."

Video arcade see “amusement game arcade”.

Section 7-124 “W” Definitions.

Warehouse means the storage of goods of any type without retailing operations on a parcel or within a structure.

1. *Commercial.* Any warehouse that is available for lease, either as individual storage units (e.g., mini-warehouse), or as a whole facility.

2. *Industrial.* Any warehouse that is ancillary to an industrial use, either on-site or off-site.

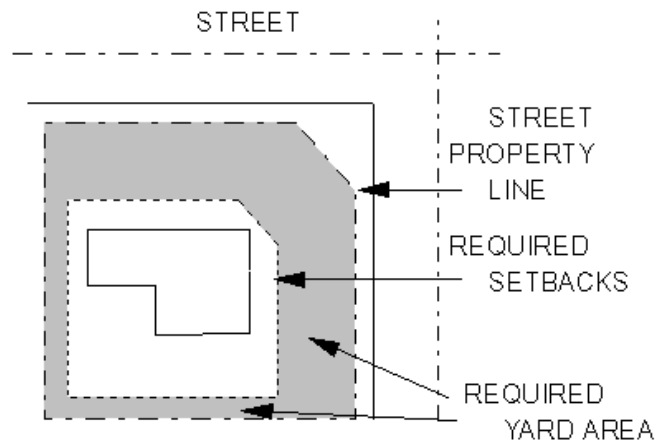
Wholesaling means the selling of goods or merchandise to retailers or jobbers for resale to the ultimate consumer.

Wireless Telecommunication Facilities (WTF) means an unstaffed facility for the transmission and reception of radio or microwave signals for commercial communications. WTFs are composed of two or more of the following components: (1) antenna; (2) support structure; (3) equipment enclosures; and (4) security barrier.

Section 7-125 “X” Definitions.
[reserved]

Section 7-126 “Y” Definitions.

Yard means a required space on a lot other than a court, which is open and unobstructed to the sky, and which is measured from a property line inward to the required setback specified herein. Such required yards shall be measured across the full width or across the full depth of a lot as applicable.



Section 7-127 “Z” Definitions.

Zero-lot line means a use with at least one side yard setback equal to zero (0).

A

Abatement	6-26	Appeals	6-42
		Appeal Criteria	6-42
		Parties to an Appeal	6-42
Access and Circulation	4-18	Appeal Criteria	6-42
Access Ways and Pathways	4-23	Failure to File an Appeal	6-43
Design Guidelines	Appendix A-V	Time Limitations	6-43
Motor Vehicle Standards	4-18	Appeal, Parties to	6-42
Pedestrian and Bicycle Standards	4-23	Appeal Stays Proceedings	6-42
		Conditions When Granting Appeal	6-42
		Public Hearing	6-42
Access and Circulation		Applications	6-8
Design Guidelines	Appendix A-V	Abatement	6-26
		Code Interpretations and Similar Use Rulings	6-8
Accessory Buildings, Uses and Structures	3-15	Development Plan Review	6-17
Accessory Building	3-15	Fee Schedule	Appendix G
Accessory Structure	3-15	General Plan Amendment	6-9
Accessory Uses	3-15	Modify Approved Plan, Planned Area Development,	
		Use Permit or Condition of Approval	6-27
Accessory Dwelling Unit (ADU)	3-16	Planned Area Development	6-16
Building Codes	3-16	Preliminary Review Process	6-9
Development Standards	3-16	Security Plan	6-29
Floor Area	3-16	Shared Parking	6-27
Infrastructure	3-17	Specific Area Plan	6-12
One ADU per Lot	3-16	Subdivisions, Lot Splits and Adjustments	6-19
Use Permit	3-16	Use Permit	6-21
		Variances	6-25
Administrative Review	6-5	Zoning Map and Code Text Amendment	6-15
Appeal	6-5	Application Acceptance	6-4
Completeness Determination	6-5	Complete Application	6-4
Notice of Decision	6-5	Processing Application	6-5
Preliminary Review Process	6-5	Review for Completeness	6-4
Submit Application	6-5	Application Submittal and Review	6-3
Adult-Oriented Businesses	3-17	Administrative Review	6-5
Locational Requirements	3-17	Application Acceptance	6-4
Operational Requirements	3-17	Application Submittal	6-3
		Concurrent Review for Same Project	6-3
Agricultural Uses	3-19	Forms and Submittal Requirements	6-3
Apiaries	3-19	Initiation and Withdrawal of Application	6-3
Dairy Farm	3-20	Legislative Review	6-7
Farming	3-19	Public Hearing Review	6-6
Grazing	3-20	Public Meeting Review	6-5
Horse Ranch	3-20		
Livestock	3-19		
Processing of Farm Products	3-20		

Approval and Appeal Authorities	6-1
Summary Decision Matrix	6-2
Art in Private Development	Appendix D

B

Bed and Breakfast	3-20
Accessory Use	3-21
Employees	3-21
Maximum Size	3-21
Meetings and Social Gatherings	3-21
Service to Guests	3-21
Bicycle Parking Design Guidelines	Appendix A-III
Board of Adjustment	1-8
Appeals	1-10
Created and Purpose	1-8
Organization	1-9
Powers and Duties	1-8
Boutique	3-21
Enclosed	3-21
Impacts	3-21
License	3-22
Operation	3-21
Products Sold	3-21
Sales Tax	3-22
Signs	3-22
Violation	3-22
Building Design	4-15
Art in Private Development	4-17, Appendix D
Building Height Step-Back	4-16
Building Identification	4-16
Employee Service Entrances and Exits	4-17
Mechanical Equipment	4-17
Public Safety Radio Amplification System	4-15
Purpose and Applicability	4-15
Building Design Guidelines	Appendix A-II

Building Permit and Certificate of Occupancy	1-5
Building Permit	1-5
Certificate of Occupancy	1-5
Prior to Final Completion	1-5

C

City Council	1-16
Appeals	1-16
Created and Purpose	1-16
Duties and Powers	1-16
Organization	1-16
Code Interpretations and Similar Use Rulings	6-8
Approval Criteria	6-8
Procedure	6-8
Record	6-9
Commercial and Mixed-Use Districts	3-4
Applicability of Other Code Chapters	3-5
Development Standards	4-7
Permitted Uses	3-6
Compliance and Scope	1-4
Compliance	1-4
Most Restrictive Regulations Apply.	1-4
Obligation by Successor	1-4
Transfer of Development Standards Prohibited	1-5
Variances	1-4
Conditions of Approval	6-38
Contract for Conditions	6-38
Failure to Fulfill Previous Conditions	6-39
Modification or Removal of Conditions	6-39
Time Limits on Conditions	6-38
D	
Day Care, In Home 7-10 Children	3-22
Administrative Review	3-22
License and Certified	3-22

Definitions	7-1	Development Standards	4-1
A	7-2	Access and Circulation	4-18
B	7-6	Administration	4-1
C	7-8	Building Design	4-15
D	7-9	Commencement of Use or Development	4-2
E	7-11	Commercial and Mixed-Use Districts	4-7
F	7-12	Completion or Bonding Prior to Occupancy Permit	4-2
G	7-12	Conformance to Approved Plans Required	4-2
H	7-12	Design Guidelines	4-3, Appendix A
I	7-13	Exceptions	4-8
J	7-13	Exceptions to Part 4	4-2
K	7-13	General Development Standards	4-4
L	7-14	General Regulations and Approval Criteria	4-2
M	7-18	Landscape and Walls	4-37
N	7-19	Lighting	4-46
O	7-20	Maintenance	4-2
P	7-21	Office/Industrial Districts	4-8
Q	7-22	Overlay Districts	4-3
R	7-22	Parking	4-27
S	7-23	Public Infrastructure	4-10
T	7-29	Reference to Other Design Guidelines	
U	7-30	and Standards	4-3
V	7-30	Residential Districts	4-5
W	7-30	Signs	4-52
X	7-31		
Y	7-31	Drive-Through Facilities	3-23
Z	7-31		
Design Guidelines	Appendix A	F	
Access and Circulation Design Guidelines	Appendix A-V		
Bicycle Parking Design Guidelines	Appendix A-III	Fee Schedule	Appendix G
Building Design Guidelines	Appendix A-II		
Landscape Design Guidelines	Appendix A-IV	Fractions Measurement	1-6
Purpose and Applicability	Appendix A-I		
Security Gates Design Guidelines	Appendix A-VI	 	
 		G	
Design Review Board	1-14		
Appeals	1-16	General Plan Amendment	6-9
Created and Purpose	1-14	Approval Criteria	6-12
Duties and Powers	1-14	Procedure	6-10
Organization	1-15		
 		General Plan Consistency	1-5
Development Plan Review	6-17		
Approval Criteria	6-18		
Procedure	6-17		
Time Limitations	6-19		

Group Homes for Adult Care, Disabled, and Child Shelter	3-24
Administrative Review Required	3-24
Distribution of Uses	3-24
License	3-24
Occupancy	3-24
Guest Room	3-24
Guest Quarters	3-24

H

Hearing Officer	1-8
Appeals	1-8
Created and Purpose	1-8
Duties and Powers	1-8
Organization	1-8
Home Occupation	3-24
Advertising and Signs	3-25
Appearance of Residence	3-25
Business Hours	3-26
Employees	3-25
Prohibited Uses	3-26
Storage	3-25
Vehicles, Parking and Traffic	3-26
Hospitals, Sanitariums, Nursing Homes	3-26

L

Landscape, General Standards	4-37
Clear Vision Requirements	4-39
Ground Cover	4-39
Landscape Area	4-38
Low Water Use Landscape	4-38
River rocks	4-39
Trees	4-39
Water Retention Area Landscape Standards	4-37
Landscape, Parking Facility Standards	4-40
Display Prohibited	4-41
Parking Lot Landscape Dimensions	4-41

Parking Lot Landscape	4-40
Parking Structures	4-41
Screens	4-41

Landscape, Street Frontage Standards	4-40
Parking Screening	4-40
Street Trees	4-40

Landscape and Walls	4-37
General Landscape Standards	4-37
Parking Facility Landscape Standards	4-40
Pedestrian Amenities	4-42
Purpose and Applicability	4-37
Screens, Walls, and Access Control Landscapes	4-42
Street Frontage Landscape Standards	4-40

Landscape Design Guidelines	Appendix A-IV
------------------------------------	----------------------

Legislative Review	6-7
---------------------------	------------

Light Industrial Overlay District	5-8
Boundaries	5-9
General Regulations	5-8
Purpose	5-8
Uses Requiring a Use Permit	5-9

Lighting	4-46
Exemptions	4-50
Lighting Standards	4-46
Photometry Plan	4-46, Appendix E
Prohibited Lighting	4-49
Purpose and Applicability	4-46

Lighting Standards	4-46
Illumination in General	4-47
Illumination Levels	4-47
Mounting and Operation of Light Fixtures	4-47
Specific Areas to be Illuminated	4-48

Live-Work	3-26
Employees	3-26
Signs	3-26
Vehicles, Parking and Traffic	3-27

M

Mini-Warehouse	3-27
Mobile Homes	3-27
Access	3-27
Perimeter Walls	3-27
Modify Approved Plan or Condition of Approval	6-27
Approval Criteria	6-28
Procedure	6-27
Motor Vehicle Access and Circulation Standards	4-18
Access Location Options	4-19
City Approval of Access Required	4-18
Driveway and Private Street Construction	4-23
Driveways	4-22
Fire and Refuse Trucks	4-20
Ingress and Egress	4-19
Mobile Home Park, Mobile Home Subdivision, and Trailer Park Access	4-23
Number of Access Points	4-22
Spacing	4-22
Traffic Impact Analysis	4-18
Vertical Clearances	4-22
Vision Clearance	4-22

N

Neighborhood Meetings	6-30
Meeting Location	6-31
Meeting Schedule	6-31
Meeting Summary	6-32
Notification Requirements	6-31
Non-Conforming Situations	3-31
Damage to a Legal Non-Conforming Development	3-32
Discontinuance of a Legal Non-Conforming Use	3-32
General Provisions	3-31
Legal Non-Conforming Development	3-31
Legal Non-Conforming Lots of Record	3-32
Legal Non-Conforming Use	3-32

Notice, Public Hearings	6-32
Agenda	6-32
Content of Public Hearing Notice	6-33
Decision Notice	6-33
Notification Requirements	6-32
Public Notice	6-32

Notice, Public Meetings	6-32
Agenda as Notice of Meeting	6-32
Notice of Decision	6-32

Notice of Appeals	6-33
--------------------------	-------------

O

Officers, Boards and Commissions	1-7
Board of Adjustment	1-8
City Council	1-16
Design Review Board	1-14
Hearing Officer	1-8
Planning and Zoning Commission	1-10
Redevelopment Review Commission	1-12
Zoning Administrator	1-7
Office/Industrial Districts	3-11
Applicability of Other Code Chapters	3-11
Development Standards	4-8
Permitted Uses	3-12

Official Action	1-6
Notice	1-6
Official Action	1-6

Organization	1-1
How to Use the Zoning and Development Code	1-2
Purpose and Scope	1-1
Title	1-1

Outdoor Retailing, Relating to Special Sporting Events	3-27
---	-------------

Outdoor Retail Display	3-27
-------------------------------	-------------

Overlay Zone Districts	5-1
Light Industrial Overlay District	5-8
Rio Salado Overlay District	5-1

Southwest Tempe Overlay District 5-5

P

Parking 4-27

General Parking Standards 4-27

Landscape Standards 4-40

Parking Affidavit 4-34

Parking Area Dimensions 4-34

Parking Ratios 4-29

Shared Parking 4-34, Appendix F

Parking Affidavit 4-34

Parking Area Dimensions 4-34

Parking, General Standards 4-27

Parking Required 4-27

Parking Standards Applicable in All Zoning Districts 4-27

Parking Standards Applicable in

Single Family Uses and Development 4-28

Parking Standards Applicable in Zoning Districts

Other Than Single Family 4-29

Parking Ratios 4-29

Accessible Parking Spaces 4-29

Bicycle Parking 4-31

Maximum Parking Spaces 4-29

On-Site Parking Spaces 4-29

Parking Calculations 4-30

Parking Ratio Table 4-31

Pedestrian Amenities 4-42

Pedestrian and Bicycle

Access and Circulation Standards 4-23

Access Ways 4-25

Accessibility 4-23

Pathway Design and Construction Standards 4-25

Pathway Safety, Comfort, and Convenience 4-24

Requirements for Shade on

Long Access Ways and Pathways 4-26

Photometry Plan 4-46, Appendix E

Planned Area Development 6-16

Approval Criteria 6-16

Procedure 6-16

Property Owners Associations 6-17

Recordation 6-17

Planning and Zoning Commission 1-10

Appeals 1-11

Created and Purpose 1-10

Duties and Powers 1-10

Organization 1-10

Plant List, 2' Appendix B

Plant List, 3' Appendix C

Pre-existing Approvals

(Grandfathered Approval) 1-5

Legality of Pre-existing Approvals 1-5

Subsequent Applications 1-5

Preliminary Review Process 6-9

Application Requirements 6-9

Preliminary Review Conference 6-9

Private Utilities Coordination 4-14

Prohibited Lighting 4-49

Public Hearing Review 6-6

Appeal 6-7

Completeness Determination 6-6

Decision 6-36

Mail Notice 6-6

Neighborhood Meeting 6-6

Notice of Decision 6-7

Post Notice on Property 6-6

Preliminary Review Process 6-6

Public Hearing 6-7

Record 6-36

Review 6-7

Rules of Procedure 6-35

Schedule Public Hearing 6-6

Submit Application 6-6

Zoning Amendment Protest 6-36

Public Infrastructure	4-10
Conditions of Approval	4-10
Conformance With Public Facility Standards	4-10
Construction Plan Review and Permitting	4-11
General Requirements for Public Improvements	4-10
Impact Analysis	4-10
Private Utilities Coordination	4-14
Sanitary, Sewer, Storm Drainage and Water System Improvements	4-13
Transportation Improvements	4-11

Public Meeting Review	6-5
Appeal	6-6
Completeness Determination	6-6
Notice of Decision	6-6
Preliminary Review Process	6-5
Record	6-36
Review	6-6
Submit Application	6-6

Public Notice and Staff Reports	6-30
General Provisions	6-30
Neighborhood Meetings	6-30
Notice for Public Hearings	6-32
Notice for Public Meetings	6-32
Notice of Appeals	6-33
Staff Reports	6-34

R

Re-application and Reconsideration of Decisions	6-40
Motion for Reconsideration	6-40
Motion for Reconsideration and Appeal Period	6-41
Motion for Reconsideration as Nonpublic Hearing Item	6-41
Process for Reconsideration	6-41
Re-application	6-40
Reconsideration and Appeals	6-41
Reconsideration as Extraordinary Remedy	6-40
Reconsideration Limit	6-41

Redevelopment Review Commission	1-12
Appointment of members; terms of office	1-12

Compensation	1-13
Duties and Powers	1-13
Established; purpose and composition	1-12
Officers	1-13

Repeal, Saving Clause and Application	1-4
Application	1-4
Repeal	1-4
Saving Clause	1-4

Residential Districts	3-1
Applicability of Other Code Chapters	3-1
Development Standards	4-5
Permitted Uses	3-2

Residential Sales Office, Temporary	3-28
Conversion and Final Approval of Dwelling	3-28
Location	3-28
Temporary Occupancy Permit	3-28

Revocation of a Permit/Approval	6-44
Option to Reapply for Permit/Approval	6-45
Procedure and Criteria	6-44
Revoke Permit/Approval	6-45

Rio Salado Overlay District	5-1
Additional Information and Regulations	5-3
Boundaries	5-4
Boundary Map	5-2
General Regulations	5-2

S

Sanitary Sewer, Storm Drainage, and Water System Improvements	4-13
Adequate Public Facilities	4-13
Design	4-14
Storm Water Retention Required	4-14
Underground Facilities	4-14

Screens, Walls, and Access		Signs, Permitted	4-58
Control Landscapes	4-42	Address Sign	4-60
Alleys	4-45	Awning Sign	4-60
Fence and Wall Height	4-43	Boutique Directional Sign	4-60
Land Use Buffers	4-43	Building Mounted Signs	4-61
Mobile Home Parks, Mobile Home Subdivisions, and Trailer Parks	4-45	Construction Signs	4-61
Outdoor Storage Areas	4-45	Directional Sign	4-61
Parking Lot Screens	4-44	Directory Sign	4-62
Reverse Frontage Walls	4-43	Flags	4-62
Service Areas	4-45	Freestanding Identification Sign	4-62
Wall Design	4-43	Freeway Sign	4-63
		Future Development Sign	4-63
		Holiday Decorations	4-64
Security Gates Design Guidelines	Appendix A-VI	Lead-in Sign	4-64
		Menu Board	4-65
Security Plan	6-29	Political Sign	4-65
Procedure and Approval Criteria	6-29	Portable Sign	4-66
		Sale, Lease or Rent Sign	4-66
Shared Parking	6-27	Service Station Signs	4-66
Approval Criteria	6-27	Special Event Sign	4-67
Implementation	4-34	Subdivision Advertising	4-68
Location	4-34	Subdivision Identification Sign	4-69
Procedure	6-27	Theatre/Museum Marquee Sign	4-69
Shared Parking Model	4-34, Appendix F	Window Signs	4-70
Shared Parking Report	4-34	Unauthorized Signs	4-54
Shared Parking Model	Appendix F	Sign Permits, Fees and Procedures	4-70
Signs	4-52	Permit Procedures	4-70
General Sign Standards	4-53	Permits and Fees	4-70
Non-Commercial Speech	4-52	Sign Permit Criteria	4-70
Permitted Signs	4-58		
Sign Permits, Fees and Procedures	4-70	Single Family Residential Second Story Addition or Rebuild	3-29
Signs, General Standards	4-53	Southwest Tempe Overlay District	5-5
Ceased Signs	4-54	Boundaries	5-9
Comprehensive Sign Package	4-57	Boundary Map	5-5
Definitions	4-53, 7-23	General Regulations	5-6
Exempt Signs	5-54	Prohibited Uses	5-6
Prohibited Signs	4-53	Special Regulations, Building Design	5-7
Sign Area Measurement	4-54	Yard, Height, Area and Density Requirements	5-7
Sign Height Measurement	4-54		
Sign Illumination	4-56	Special Use Standards	3-14
Sign Maintenance	4-56	Accessory Buildings, Uses and Structures	3-15
Unauthorized Signs	4-54	Accessory Dwellings	3-16
		Adult-Oriented Businesses	3-17
		Agricultural Uses	3-19

Bed and Breakfast	3-20
Boutique	3-21
Day Care, In Home 7-10 Children	3-22
Drive-Through Facilities	3-23
Group Homes for Adult Care, Disabled, and Child Shelter	3-24
Guest Room	3-24
Guest Quarters	3-24
Home Occupation	3-24
Hospitals, Sanitariums, Nursing Homes	3-26
Live-Work	3-26
Mini-Warehouse	3-27
Mobile Homes	3-27
Outdoor Retailing, Relating to Special Sporting Events	3-27
Outdoor Retail Display	3-27
Residential Sales Office, Temporary	3-28
Single-Family Residential Second Story Addition or Rebuild	3-29
Wireless Telecommunication Facilities	3-29
Specific Area Plan	6-12
Amendment	6-15
Approval Criteria	6-14
Procedure	6-13
Staff Reports	6-34
Boards and Commissions	6-34
City Council	6-34
Subdivisions, Lot Splits and Adjustments	6-19
Approval Criteria	6-20
Procedure	6-20

T

Time Extension	6-44
Procedure and Approval Criteria	6-44
Timing of Extension	6-44
Transfer of Permits/Approvals	6-45
Transportation Improvements	4-11

ADA Accessibility	4-13
Connectivity	4-11
Dedications	4-11
Grades and Curves	4-13
Neighborhood Accessibility and Traffic Calming	4-12
Private Streets	4-13
Street Access	4-11
Street Layout and Design	4-11
Street Lights	4-13
Street Names	4-13
Street Stubs	4-13
Transit Facilities	4-12

U

Use of Real Property	1-5
Use Permit	6-21
Applicability Based on Square Feet of Use	6-21
Approval Criteria	6-22
Burden of Proof	6-23
Conditions	6-23
Effect of Use Permit	6-23
Exceptions and Special Use Permit Provisions	6-24
First Amendment	6-22
Procedure, Hearing Officer, Board of Adjustment	6-21
Procedure, Planning Commission, Redevelopment Review Commission or City Council	6-21
Time Limitation	6-23
Use Modifications	6-23

V

Variances	6-25
Approval Criteria	6-26
Conditions of Approval	6-26
Decision-Making Bodies	6-26
Procedure	6-26
Time Limitations	6-26

Violations and Penalties	1-3
Number of Offenses	1-3
Penalty	1-3
Property Owner is Responsible Party	1-3
Violations	1-3

W

Wireless Telecommunication Facilities	3-29
Abandoned Tower/Antenna	3-30
Application Requirements	3-29
Building mounted	3-29
Co-location	3-29
Towers	3-29

Z

Zoning Administrator	1-7
Created and Purpose	1-7
Opinions	Appendix H
Duties and Powers	1-7

Zoning Administrator Opinions	Appendix H
--------------------------------------	-------------------

Zoning Districts	2-1
Commercial and Mixed Use	2-2
Location and Boundaries of Districts	2-3
Office/Industrial	2-2
Overlay	2-3
Residential	2-1

Zoning Map and Code Text Amendment	6-15
City Council Review and Approval Criteria	6-16
Procedure	6-15

APPENDIX A. DESIGN GUIDELINES

- A-I. Purpose and Applicability.**
- A-II. Building Design Guidelines.**
- A-III. Bicycle Parking Design Guidelines.**
- A-IV. Landscape Design Guidelines.**
- A-V. Access and Circulation Design Guidelines.**
- A-VI. Security Gates Design Guidelines.**

A-I. PURPOSE AND APPLICABILITY.

- A. Purpose.** The design guidelines are discretionary criteria which are used in the City's review of project proposals. They are intended to encourage high quality building and site design that complements the architecture, landscapes, history, and culture of Tempe and ensures the functionality of the built environment.
- B. Applicability.** The design guidelines are to be applied by the City during project reviews. Applicants are responsible for addressing the guidelines in their project proposals, and the City, through its applicable decision making bodies (Part 6 of this Code) may require modifications to designs to be consistent with the design guidelines. Where an existing building or site that is being added onto or remodeled does not meet a design guideline, the addition or remodel should bring the subject building or site into closer conformance with the guideline, to the extent practicable given the nature and extent of the alteration.

A-II. BUILDING DESIGN GUIDELINES.

- A. Contextual Design Guideline.** Building elevations and materials should have design characteristics that are contextually appropriate. Contextual relationships are determined through design review and consider: massing, rhythm, scale, height, roof form, fenestration (windows and doors), articulation/relief, materials, detailing, lighting, signs, and other features of existing on the site, if any, and adjacent buildings. Where contrasting design elements are provided, the applicant must demonstrate how the alternate design is equal or superior to the existing and/or adjacent building design in terms of compatibility.
 - 1. **New Design Character.** A building design that varies from the contextual design guideline in establishing a new character, may be approved only after demonstrating that the proposed design is consistent with the development

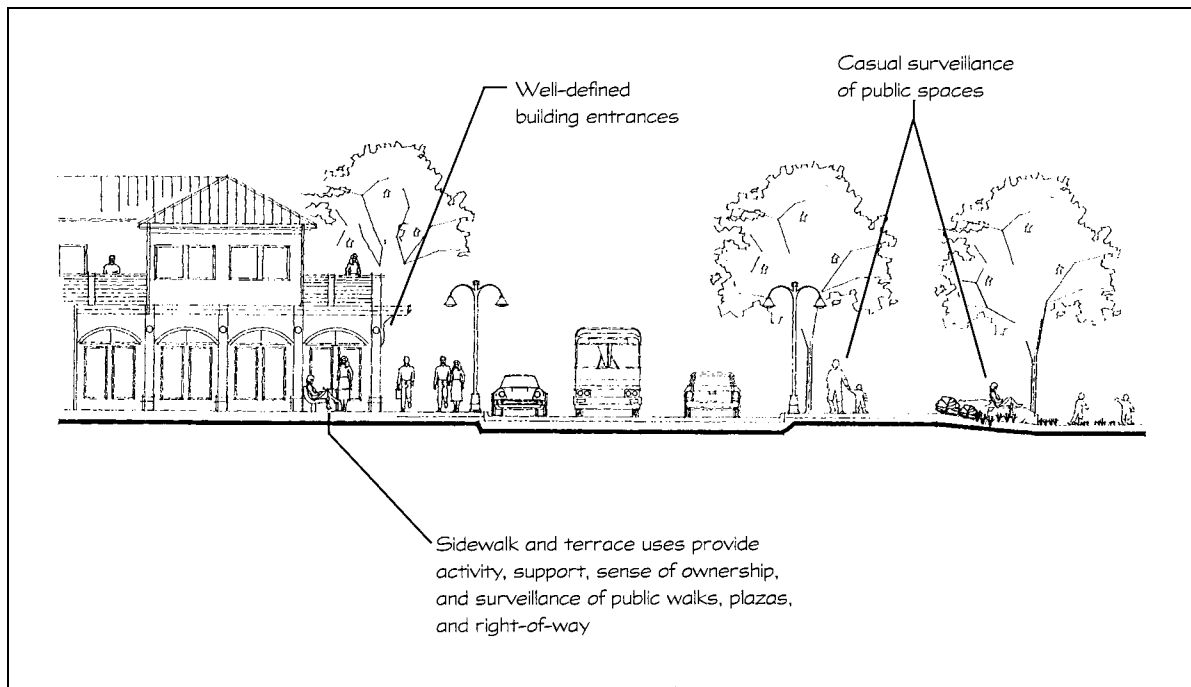
plan approval criteria in Section 6-307 and it provides exceptional or unique benefits to the neighborhood or community, which may include but are not limited to the following values:

- a. Energy conservation through a certified “green building” or “sustainable development” project;
- b. Historic preservation; and
- c. Affordable housing.

B. Accessibility. Buildings should be accessible for every person, consistent with the Americans With Disability Act (ADA) and its implementing standards and guidelines. The Americans with Disabilities Act (ADA) is a federal law that was enacted in 1990 for the purpose of ensuring that all Americans have the same basic rights of access to services and facilities. The ADA prohibits discrimination on the basis of disabilities. To effect this prohibition, the statute required certain designated federal agencies to develop implementing regulations, known as the ADA Accessibility Guidelines (ADAAG). The guidelines and standards contained within the ADAAG are continually being updated and refined, and current versions should be reviewed as part of the design process for every project.

C. Crime Prevention Design. Safe environments and pedestrian activity are interrelated and one cannot exist without the other. Therefore building designs should support pedestrian activity and provide natural surveillance of spaces from key locations inside and next to buildings. This should be accomplished through the appropriate design and placement of windows, entrances, pedestrian amenities, lighting, outdoor rooms (e.g., balconies, arcades, and similar features), and activity support. Buildings should incorporate entrances, windows, balconies, and activities allowing visibility of the street, parking areas, and entrances from inside buildings; and visibility of building entrances and other public gathering spaces from the street, as generally shown below. Lighting must conform to the provisions of Part 4, Chapter 8.

Figure A-IIC. Crime Prevention Design, Streetscape



D. Outdoor Living Area. Required outdoor living areas (per Part 3 and 5) should conform to the following standards:

1. At least fifty percent (50%) of all required areas should be in private outdoor spaces, such as patios, porches, balconies, rooftop gardens, and/or other areas designed for the exclusive use of individual dwelling units;
2. Designated private outdoor living spaces should have dimensions that are not less than six (6) feet in width and six (6) feet in depth, and eight (8) feet in height;
3. Areas not designed for the exclusive use of individual dwellings under subsection 1, above, should be designated common areas for all residents of a development. Common areas may include but are not limited to: patios, porches, balconies, rooftop gardens, recreation areas, open space, etc; and
4. Designated common outdoor living spaces should have dimensions that are not less than fifteen (15) feet in width and fifteen (15) feet in depth, eight (8) feet in height, and five hundred (500) square feet in area per space.

A-III. BICYCLE PARKING DESIGN GUIDELINES.

A. Bicycle Parking Location and Design.

1. All parking spaces for bicycles should be equipped with a security rack that is designed and installed in conformance with the Pedestrian and Bicycle Facility Design Guidelines, contained in the Comprehensive Transportation Plan. Bicycle racks other than the standard detail may be approved, subject to design review and approval by the Public Works Manager;
2. Areas set aside for bicycle parking should be clearly marked and reserved for bicycle parking only;
3. Bicycle parking should not impede or create a hazard to pedestrians. Parking areas should be located so as to not conflict with vision clearance standards;
4. Bicycle parking should be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture (e.g., benches, street lights, planters and other pedestrian amenities) when street furniture is provided;
5. Bicycle racks should be installed near main building entrances and located in areas with shade. A pedestrian pathway linking the bicycle parking area to the public sidewalk and the primary building entrance(s) should be provided;
6. Site design for bicycle parking should conform to the Pedestrian and Bicycle Facility Design Guidelines contained in the Comprehensive Transportation Plan;
7. Bicycle parking should be visible to cyclists from street sidewalks or building entrances, to aid in security from theft and damage; and
8. Bicycle parking should be at least as well lit as vehicle parking for security.

B. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

A-IV.LANDSCAPE DESIGN GUIDELINES.

A. General Landscaping Guidelines. Landscape plans should demonstrate that developments satisfy the following guidelines, as applicable, and as generally shown in the figures below:

1. Provide visual screening, privacy and natural surveillance, where needed.
2. Retain natural vegetation and incorporate it into the landscape design, as practicable;
3. Define pedestrian pathways and open space areas with landscape materials where appropriate;
4. Provide focal points within a development, such as specimen trees, hedges, flowering plants, art and pedestrian amenities;
5. Use a combination of plants for year-long color and interest; and
6. Use landscape treatments to enhance the screening of outdoor storage and mechanical equipment areas, and enhance graded areas such as berms, swales and retention ponds.

Figure A-IVA1, General Landscape Guidelines

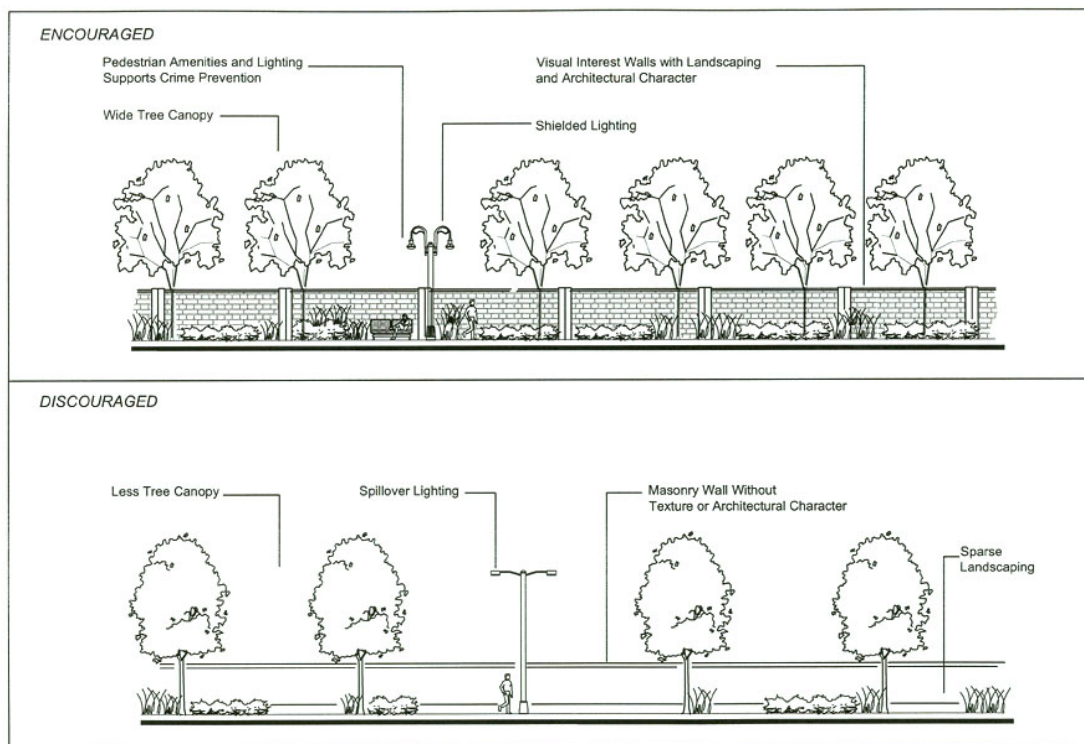


Figure A-IVA2, General Landscape Guidelines (continued)

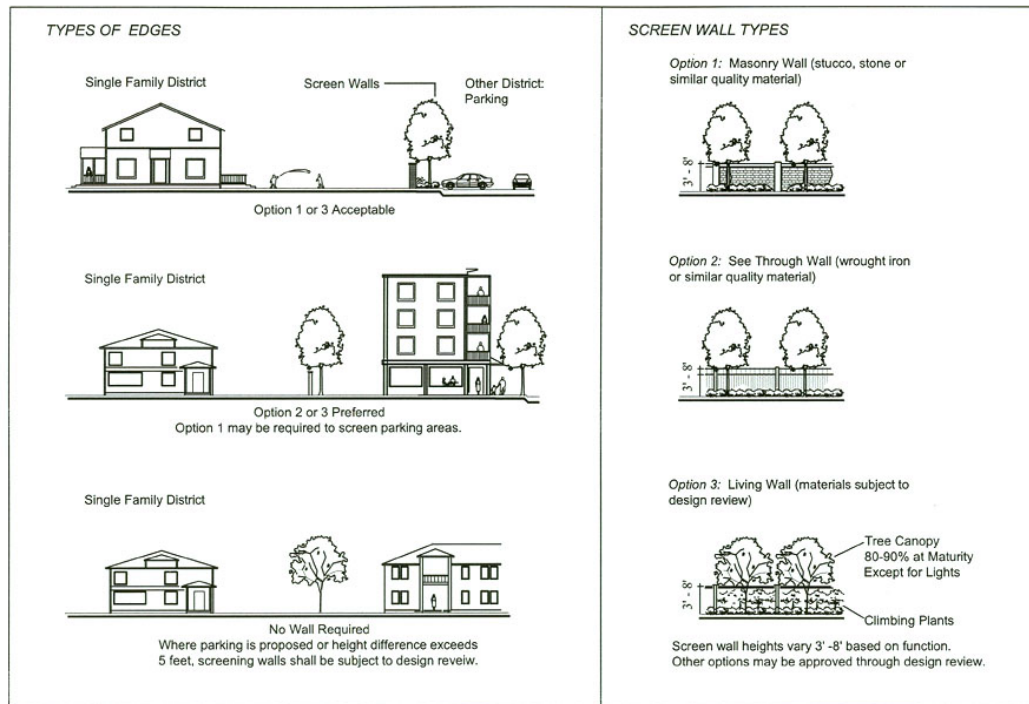
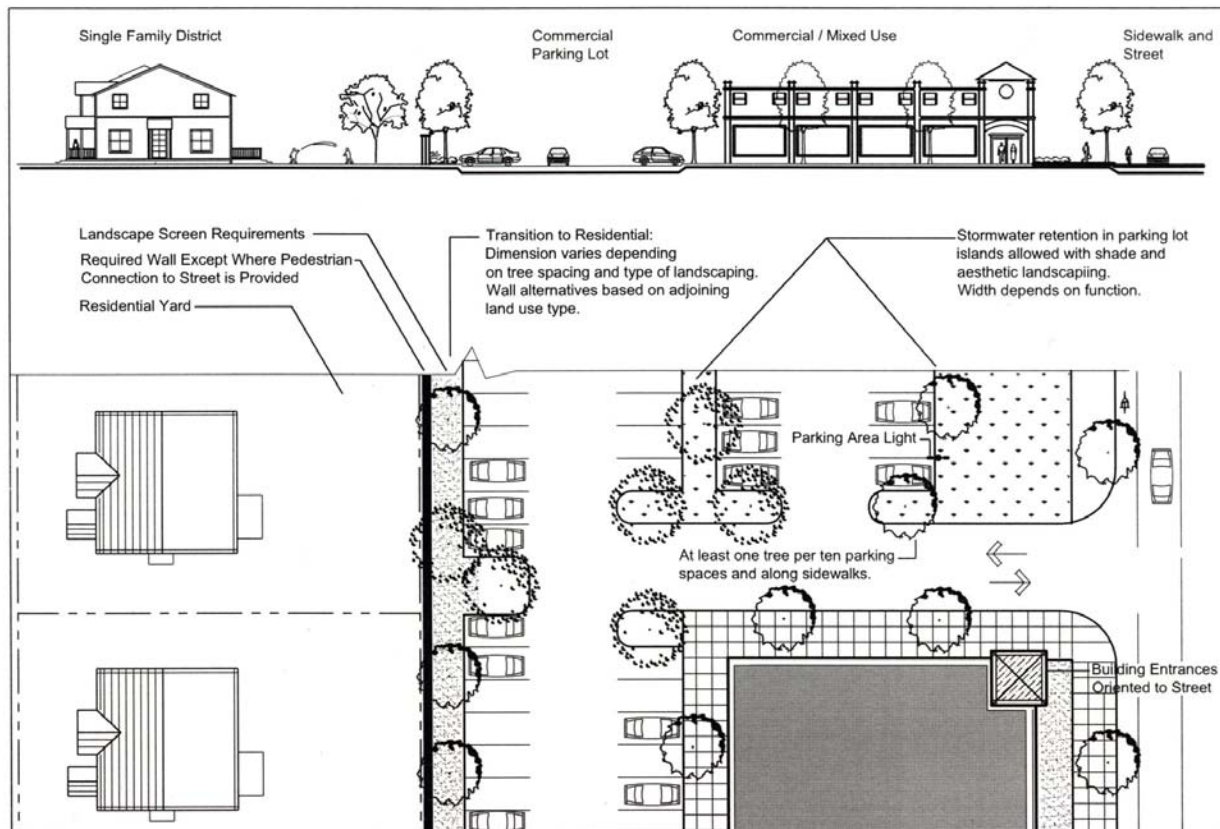


Figure A-IVA3, Parking Area Landscape Guidelines



B. Tree Selection Guidelines. Tree species should be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Consideration should be given to:

1. Provide a broad canopy where shade or screening of tall objects is desired;
2. Use low-growing trees for spaces under utility wires;
3. Select trees from which lower branches can be trimmed in order to maintain a healthy growth habit where vision clearance and natural surveillance is a concern;
4. Use narrow or columnar trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance; and
5. Street trees should be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Tree placement should provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles.

C. Screening Guidelines. The design of screening devices should consider the following guidelines:

1. Site conditions and adjacent uses should be considered when designing visual screening;
2. Provide shade over walkways, if appropriate;
3. Natural surveillance, access control, and privacy needs should be considered; and
4. General consistency with the guidelines in Figures A-IVA1 and A-IVA2, above.

D. Wall Design. All required walls shall be located and designed based on the intended screening function, proposed use, and adjoining uses, as follows:

1. Walls placed between a residential district and any commercial use, industrial uses, or surface parking lot exceeding ten thousand (10,000) square feet shall be constructed of masonry, concrete, ornamental iron, or equal or better quality material, as approved through design review;
2. All masonry walls shall have an architectural texture, color and material compatible with the primary building on site (or on respective sides). Walls

may have ornamental decorative iron fence panels, vertical pickets with spacing that is consistent with the Uniform Building Code, as an integral part of the design of the wall; and

3. A living wall or see through ornamental iron fence may be approved as a substitute for masonry if the wall is not required for visual screening of mechanical equipment, outdoor storage areas, or parking areas.

E. **2' Plant List.** See Appendix B.

F. **3' Plant List.** See Appendix C.

A-V. ACCESS AND CIRCULATION DESIGN GUIDELINES.

A. **Shared Driveways.** The number of driveway and private street intersections with public streets should be minimized through the use of shared driveways with adjoining uses where feasible. The City may require the use of shared driveways through the land use and development review process, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, the City may require that they be stubbed to adjacent developable parcels for future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development due to infill or redevelopment potential.
2. Access easements (i.e., for the benefit of affected properties) should be a condition of land use or development approval and should be recorded for all shared driveways prior to occupancy.
3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway with reciprocal access in the future.

B. **On-Site Traffic Calming.** Traffic calming features such as curb extensions, special paving, humps or other features may be required for the on-site circulation systems and street access points of larger developments. Traffic calming measures should conform to the Pedestrian and Bicycle Facility Design Guidelines, contained in the Comprehensive Transportation Plan.

A-VI. SECURITY GATES DESIGN GUIDELINES

[reserved]

Plant List - Groundcovers and Shrubs
(Max. 2'-0" @ maturity)

<i>Botanical Name</i>	<i>Species Name</i>	<i>Common Name</i>
ABELIA	grandiflora - prostrata	Glossy Abelia
ACACIA	redolens	Desert Carpet
AGAVE	desertii	Desert Agave
	felgeri	Felgeri
	ocahui	
	palmeri	Palmer Agave
	toumeyana	Toumey Agave
	utahensis	Utah Agave
	victoriae-reginae	Queen Victoria Agave
ALOE	barbadensis (vera)	Barbados
	saponaria	Soap
AMBROSIA	deltoides	Triangleleaf Bur-sage
	dumosa	White Bur-sage
ARISTIDA	purpurea	Purple Threeawn
ARTEMESIA	dracunculus	French Tarragon
	frigida	Fringed Wormwood
	ludoviciana	White Sage
	pycnoccephala	Sandhill Sage
	schmidtiana	Angel's Hair
ASPARAGUS	densiflorus	Myers Asparagus
ATRIPLEX	obovata	Obovate Leaf
	semibacata	Australian Saltbush
BACCHARIS	piularis	Chaparral Broom
		Dwarf Coyote Brush
BAILEYA	multiradiata	Desert Marigold
BERBERIS	thunbergii	Crimson Pygmy Barberry
BERLANDIERA	lyrata	Chocolate Flower
BULBINE	frutescens	Hallmark
CARISSA	grandiflora	Boxwood Beauty
		Green Carpet
		Horizontalis
		Mimma
		Prostrata
CERATOIDES	lanata	Winter Fat
CHRYSACTINIA	mexicana	Damianita
CONVOLVULUS	cneorum	Bush Morning Glory

MAXIMUM HEIGHT OF MATURE SHRUBS and GROUNDCOVERS IN:
Parking - landscape islands, borders from 0' to 6'; Walks - from 0' to 6';
Entry - 15' radius; Sight Triangles;
IS 2'-0"

<i>Botanical Name</i>	<i>Species Name</i>	<i>Common Name</i>
CONVOLVULUS	mauritanicus	Ground Morning Glory
CUPHEA	hyssopifolia ignea	Mexican Heather Cigar
DALEA	capitata formosa greggii	'Sierra Gold' Feather Dalea Trailing Indigo Bush
DICLIPTERA	resupinata	Dicliptera
EREMOPHILA	decipiens glabra	Poverty Bush 'Murchison River'
ERICAMERIA	laricifolia	Larchleaf Turpentine Bush
ERIOGONUM	crocatum fasciculatum grande rubescens spp. umbellatum wrightii	Saffron Buckwheat Flattop Buckwheat Red Buckwheat Profusion Sulfur Flower Wright Buckwheat
EUPATORIUM	greggii	Boothill
EUPHORBIA	antisiphilitica biglandulosa (rigida) epithymodes marginata	Candelilla 'Epithymodes' Snow on the Mountain
GAURA	lindeheimeri	Siskiyou Pink
GAZANIA	hybrids linearis rigens	Aztec Queen Burgundy Copper King Fiesta Red Moonglow Colorado Gold Multi Sunburst Sunglow
GUTIERREZIA	sarothrae	Broomweed Snakeweed
HIBISCUS	denudatus	Paleface Rose-mallow
ILEX	vomitaria	Stokes Holly
JUNIPERUS	chinensis communis conferta horizontalis proeumbens	San Jose 'Compressa' Shore Juniper 'Blue Chip' 'Nana'

MAXIMUM HEIGHT OF MATURE SHRUBS and GROUNDCOVERS IN:
Parking - landscape islands, borders from 0' to 6'; Walks - from 0' to 6';
Entry - 15' radius; Sight Triangles;
IS 2'-0"

<i>Botanical Name</i>	<i>Species Name</i>	<i>Common Name</i>
JUNIPERUS	sabina	Arcadia
	sabina 'Tamariscifolia'	Tam Juniper
	sargentii	Sargent Juniper
LANTANA	montevidensis	Dwarf Carnival
		Gold Mound
		Kathleen
		Lemon Swirl
		New Gold
		Purple Trailing Lantana
LIRIOPE	japonica	Giant Lilyturf
LOTUS	rigidus	Deer-vetch
MALEPHORA	leuta	Rocky Point Ice Plant
MANFREDIA	maculosa	Texas Tuberose
MELAMPOHILA	leucanthum	Blackfoot Daisy
MENODORA	scabra	Rough Menodora
MIMULUS	cardinalis	Scarlet Monkey Flower
MUHLENBERGIA	rigens	Dwarf Mulle
	rigida	Purple Muhly
MYOPORUM	parvifolium	Burgundy Carpet
		Pink
		Putah Creek
		Trailing Myoporum
MYRTUS	communis compacta	Dwarf Myrtle
NADINA	domestica 'nana'	Dwarf Nadina
OENOTHERA	berlandieri	Mexican Evening Primrose
	caspitosa	White Evening Primrose
	stubby	Saltillo
PARTHENIUM	incanum	Mariola
PENSTEMON	eatonii	Firecracker
	parryi	Parry's
PHLOX	tenuifolia	Desert Phlox
PITTOSPORUM	tobira	Cream de Mint
POTENTILLA	verna	Spring Cinquefoil
PSILOSTROPHE	cooperi	Paper Flower
	tagetina	
RHAPHIOLEPIS	indica	Ballerina
ROSMARINUS	officinalis	Blue Boy
		Corsican Prostrate
		Huntington Blue Carpet
		Prostratus

MAXIMUM HEIGHT OF MATURE SHRUBS and GROUNDCOVERS IN:
Parking - landscape islands, borders from 0' to 6'; Walks - from 0' to 6';
Entry - 15' radius; Sight Triangles;
IS 2'-0"

<i>Botanical Name</i>	<i>Species Name</i>	<i>Common Name</i>
ROSMARINUS	officinalis	Severn Sea
	prostratus	Dwarf
RUELLIA	brittoniana	Katie
	peninsularis	Blue Ruellia
SALVIA	chamaedryoides	Blue Sage
	coccinea	Mexican Sage
	farinacea	Mealy-cup Sage
	greggi	Autumn Sage
	mohavensis	Mojave Sage
SANTOLINA	chamaecyparissus	Lavender Cotton
	virens	Virens
SENNA	bauhinioides	Bauhin Senna
	covesii	Desert Senna
STACHYS	coccinea	scarlet(texas)Betony
SYMPHORICARPOS	chenaultii	Hancock Coralberry
TETRANEURIS	acaulis	Angelita Daisy
TEUCRIUM	chamaedrys	Germander
THAMNOSMA	montana	Turpentine Broom
THYMOPHYLLA	acerosa	Prickley-leaf Dogweed
	pentachaeta	Five-needle Dogwood
TIQUILIA	greggii	Plume Tiquilia
TRIXIS	californica	Trixis
VERBENA	gooddingii	Gooding Verbena
	peruviana	Peruvian Verbena
	pulchella	St Paul
		Starfire
	rigida	Sandpaper
	tenera	Rock Verbena
	tenuisecta	Moss Verbena
XYLORHIZA	tortifolia	Mojave Aster
ZAUSCHNERIA	californica latifolia	Hummingbird Trumpet
ZEPHYRANTHES	candida	Fairy Lily
ZEXMENIA	hispida	'Devil's River'
ZINNA	acerosa	
	grandiflora	Prairie Zinna

MAXIMUM HEIGHT OF MATURE SHRUBS and GROUNDCOVERS IN:
Parking - landscape islands, borders from 0' to 6'; Walks - from 0' to 6';
Entry - 15' radius; Sight Triangles;
IS 2'-0"

3' Plant List

<i>Botanical Name</i>	<i>Species Name</i>	<i>Common Name</i>
AGAVE	angustifolia(desmettiana) bovicornuta chrysantha colorata geminiflora murpheyi pariyi staiata	
ALOE	camperi	
AMSONIA	palmeri	Blue Star
AQUILEGIA	chrysantha	Golden Columbine
BACCHARIS	centennial starn	Thompson
CALLIANDRA	eriphylla	Pink Fairy Duster
CARISSA	macrocarpa	Tomlinson Tuttle
CERATOIDES	lanata	Winterfat Sage
CONVOLVULUS	ceneorum	Bush Morning Glory
CUPHEA	llavea	Bat-faced
DALEA	frutescens versicolor	Sierra Negra Mtn. Delight
ENCELIA	farinosa	Brittlebush
EPHEDRA	nevadenses viridis	Mormon Tea
GAURA	lindheimeri	Corrie's Gold Whirling Butterflies
HESPERALOE	parviflora species	Red Yucca Bell Flower
JUNIPERUS	sabina (tamariscifolia)	Tam Juniper
JUSTICIA	candicans spicigera	Mexican Honeysuckle
LEUCOPHYLLUM	candidum frutescens zygophyllum	Silver Cloud Thunder Cloud Heavenly Cloud Cimarron (blue ranger)
MUHLENBERGIA	capillaris	Regal Mist

MAXIMUM HEIGHT OF MATURE SHRUBS and GROWDCOVERS IN:
Parking Islands after the first 6' adjacent to a parking space; Borders from
the next 6' to 12'; Walks - from the next 6' to 12';
IS 3'-0"

<i>Botanical Name</i>	<i>Species Name</i>	<i>Common Name</i>
MUHLENBERGIA	dumosa	Giant Mulle
PEDILANTHUS	macrocarpus	Eigieji Lady Slipper
PENSTEMON	ambiguus	Pink Plains
PITTOSPORUM	tobira	Wheeler's Dwarf
PLUMBAGO	scandens	Summer Snow
POLIOMINTHA	maderenis	Lavender Spice
RHAPHIOLEPIS	indica	Enchantress Indian Princess
ROSMARINUS	officinalis	Benenden Blue Collingwood Ingran Golden Rain Irene Santa Barbara
RUELLIA	brittoniana	Alba Chi Chi
SALVIA	coccinea greggii microphylla	Cherry Red Sage Autumn Sage Sierra Linda (red sage) Red Storm
SPHAERALCEA	ambigua	Desert Mallow
TAGETES	erecta lemmonii lucida	American Marigold Copper Canyon Mexican Tarragon
VIGUIERA	stenoloba	Skeleton-leaf Goldeneye
YUCCA	whipplei	Our Lord's Candle

**MAXIMUM HEIGHT OF MATURE SHRUBS and GROUNDCOVERS IN:
Parking Islands after the first 6' adjacent to a parking space; Borders from
the next 6' to 12'; Walks - from the next 6' to 12';
IS 3'-0"**

ART IN PRIVATE DEVELOPMENT

The goal of the City of Tempe's Art in Private Development (AIPD) ordinance is to beautify the community with a wide variety of high-quality art projects. This program has created many successful partnerships between developers and artists. Local developments have acquired a unique sense of place and have won awards because of the art elements. The presence of artwork in developments creates a competitive edge by attracting people who are curious about the artwork. Citizens may pause to enjoy the artwork's surprising and aesthetic delights, and often return to experience it again while shopping or conducting business.

In the AIPD program, developers of large commercial or office buildings must meet a required art investment in one of four ways: artwork which is integrated into the development; the creation and maintenance of a cultural space or facility; a community arts program plan; or a contribution to the City's Municipal Arts Fund.

Tempe also has a public art program, in which 1% of the City's capital improvements budget is allocated to public art projects. The monies generated by both the Public Art and Art in Private Development programs are held in the City's Municipal Arts Fund. The Tempe Municipal Arts Commission, a 15-member citizen advisory board appointed by the Mayor, administers the Municipal Arts Fund.

- The developer's investment in artwork is based on the amount of square footage of the gross floor area dedicated to commercial or office use, and is adjusted in February each year utilizing the Consumer Price Index for All Urban Consumers (CPI-U). *The 2002 value: \$0.36 per square foot.*
- Before a Certificate of Occupancy is issued, the developer must meet the requirements of this ordinance. The developer's required contribution may be in any of the following forms:
 1. **Art Project:** Artwork which is integrated on the site of the development. Artwork completed in compliance with this ordinance shall be located on an exterior site visible and accessible at all times to the public.
 2. **Community Arts Program:** Arts projects and programs that involve the public in Tempe. The program must be approved by both the developer and the Tempe Municipal Arts Commission.
 3. **Cultural Space/Facility:** A visual or performing arts space or facility.
 4. **Arts Fund Contribution:** In-lieu cash contribution to the Tempe Municipal Arts Fund, used to fund art projects administered by the Tempe Municipal Arts Commission.

What types of art projects are eligible?

Examples of art projects to consider are:

- One-of-a-kind building features and enhancements designed by artists such as gates, benches, and fountains.
- Artist-designed landscape art enhancements such as walkways, bridges, or art features within a garden.
- Sculpture -- freestanding, wall-supported or suspended, kinetic -- in durable materials suitable for the site.

To view images of completed artwork, visit our website, www.tempe.gov/arts, → Public Art → Art in Private Development.

What types of art projects are not eligible?

- Business logos.
- Directional or wayfinding elements such as supergraphics and signage.
- Mass-produced “art objects” such as fountains, statuary, or playground equipment.
- Standard landscape or hardscape elements which would normally be associated with the project.

What are the eligible costs for art projects?

When preparing a budget for the artwork, certain costs may be included to meet the developer’s required art investment:

- Professional artist’s budget, including artist fees, materials, assistants’ labor costs, insurance, permits, taxes, business and legal expenses, operating costs, and art dealer’s fees if these are necessary and reasonable.
- Fabrication and installation of the artwork.
- Site preparation.
- Structures enabling the artist to display the artwork.
- Acknowledgment plaque identifying the artist, artwork, and development.
- *Costs for maintaining and operating artwork are not eligible.*

What is the process for completing an art project ? A Checklist

The following checklist will help a developer create a successful AIPD project:

- ☐ **Staff Meeting:** Call the City of Tempe Cultural Services staff to arrange a meeting to discuss:
 - what the developer wants the project to accomplish;
 - the required art investment; and
 - the type of professional artist needed for this project.
- ☐ **Artist Slidebank:** View the slides from the Artist Slidebank. Cultural Services staff will assist you in viewing the slides and will provide contact information on the artists you want to consider.
- ☐ **Professional Artist Selection:** Contact the artists being considered and decide which artist(s) will be hired by the developer.
- ☐ **Preliminary Approval:** *The Preliminary Art Project Plan is required before a building permit is issued.* Request a meeting with the Arts Commission’s Art In Private Development (AIPD) Subcommittee and staff to discuss:

- Concepts and budget for the proposed artwork.
- Location and visibility of proposed artwork.
- Name and resume of selected artist.

Tempe Cultural Services staff will notify Development Services that we have received the Preliminary Art Project Plan. At this stage the key points are:

- *Is the person chosen an active professional artist?*

The AIPD Subcommittee and the Tempe Municipal Arts Commission make this determination by reviewing such items as the person's educational background in the arts, and arts accomplishments within the past 5 years such as gallery or museum exhibits, and completion of public art projects.

- *Is the proposed artwork visible to the public?*

The AIPD Subcommittee and the Tempe Municipal Arts Commission review the artwork plans, its visibility to the public, and its context within the development.

☐ **Final Approval:** *A final presentation is required before a Certificate of Occupancy is issued.* This presentation is given by the developer (or their representatives) and the artist(s), and includes:

- Narrative description of proposed artwork (one page). Please prepare 5 copies.
- Budget detailing eligible costs including artist's fees and expenses, costs for fabrication, site preparation, installation, structures to display artwork, and/or plaque.
- Letter of agreement between the developer and artist.
- Scaled site plan and landscape plan, showing the proposed artwork in the development context.
- Scaled drawing(s) or model(s) of the artwork.

For the presentation, the reviewed key points are:

- Artist's background relating to this project
- Final itemized budget that meets the required art investment for the development
- *Public visibility and availability of the artwork*

☐ **Tempe Municipal Arts Commission Approval:** The AIPD Subcommittee will give a summary of the proposed artwork to the Tempe Municipal Arts Commission at its next scheduled meeting. (The developer and artist are not required to attend this meeting.) After the AIPD Subcommittee presentation, the Tempe Municipal Arts Commission votes on the proposed artwork plans.

☐ **Signed Contract:** Fax or mail a copy of the signed contract between the developer and the artist(s) to Cultural Services staff for the AIPD records.

☐ **Certificate of Occupancy:** After the Tempe Municipal Arts Commission approves the art project plan and the contract is in place, Cultural Services staff will write a letter that releases the Certificate of Occupancy in regard to the public art component.

How is an art project selected for an Excellence Award?

To encourage and recognize high quality artwork, the Tempe Municipal Arts Commission and the Tempe Beautification Awards program review and select artworks to receive the Art in Private Development

Excellence Award. Developers are honored at the Beautification Awards ceremony and their artworks are noted as award winners on the arts website, www.tempe.gov/arts.

The following criteria are used to guide the selection of excellent artworks completed in the past calendar year:

- | | |
|--|--|
| <ul style="list-style-type: none">▪ Aesthetics
Application of artist's concept
Viewer's response to the artwork▪ Site enhancement
Integration of the artwork with the development
Installation of the artwork (base, landscaping, etc)
Visibility in the evening (lighting, etc.) | <ul style="list-style-type: none">▪ Craftsmanship
Quality of construction
Use of materials
Quality of materials▪ Value of community and/or employees
Relevance to the community and employees
Visibility to the public (walking, biking, driving) |
|--|--|

What are the other options to consider?

- **Creation and Maintenance of a Cultural Space/Facility:**
If a developer wants to create and sustain a visual or performing arts space, facility the following items should be addressed in a written proposal:
 - Concept of the cultural space/facility.
 - Location of the proposed space/facility
 - Preliminary design for the space/facility.
 - Facility operation plan including a budget and program goals.
 - Long-range plan for use of the space/facility which assures a commitment to continuing cultural use.
 - Timeline for designing, constructing and programming the cultural space/facility.

The Tempe Municipal Arts Commission will accept or decline the Cultural Space/Facility Proposal. An approved proposal will be forwarded to the Design Review Board. Once approved by the Design Review Board, a Certificate of Occupancy will be released.

- **Community Arts Program Plan:** Special arts initiatives for the community will qualify as projects for this option. The Tempe Municipal Arts Commission will accept or decline the Community Arts Program Plan. An approved Community Arts Program plan will release Certificate of Occupancy for the development.
- **Arts Fund Contribution:** If a developer chooses to contribute the required art investment to the Municipal Arts Fund, monies must be deposited into the Municipal Arts Fund in order to receive approval for the Certificate of Occupancy. The Tempe Municipal Arts Commission and the Cultural Services staff will work closely with the developer to identify an appropriate use of the contribution that will benefit both the developer and the City of Tempe's AIPD program.

Photometry Plan

1. A copy of all cut sheets for light fixtures shall be submitted and marked as to which information and data applies to the specific luminaire, including the lamp manufacturer.
2. Photometric calculations detailing all exterior security lighting, shall be submitted and provided on a copy of a landscape plan that has been approved by the Design Review Board, drawn on twenty four (24) inch by thirty six (36) inch format prepared to scale. The landscape site plan shall be fifty (50) percent screened. Point to point photometric calculations shall be calculated at intervals of not more than ten (10) feet at ground level and may also be required at six (6) feet above finish grade.
3. Photometric calculations shall be based on the "mean" light output per the manufacturer's of the specified lamp, including ballast depreciation and contamination factors. Light Loss Factor (LLF) shall be calculated at .68 for Metal Halide (MH) and .72 for High Pressure Sodium (HPS). All luminary photometric data formatted in accordance with the Illumination Engineering Society (I.E.S.) file compiled by an approved testing laboratory.
4. Photometric studies submitted to the City of Tempe's Development Services Department for approval by Building Safety and Planning will include a statement indicating that no equipment substitutions shall be installed without prior approval of the City. In specifications that include more than one specified manufacturer per site will require a photometric study from each manufacturer specified.
5. The Consulting Engineer or Lighting Consultant shall provide the City of Tempe's Development Services Department with a letter of certification from the firm certifying the inspection. The letter will provide the date and time of the inspection and the name of the inspector. It will also include a statement certifying the approved fixtures were correctly installed, no landscape conflicts exist and the foot-candle levels and uniformity approved by the City's Development Services Department for the specific site have been matched or exceeded at all locations on the site.
6. In the case of a Consulting Engineer, a Professional Engineer registered in the State of Arizona shall stamp the letter of certification. Lighting Consultants issuing the letter of certification shall provide proof of Lighting Certification (LC) status as defined by The National Council on Qualifications for the Lighting Professionals (NCQLP) as well as proof of liability insurance.

TEMPE PLANNING AND ZONING COMMISSION/CITY COUNCIL 11.8.90
PUBLIC INFORMATION SHEET: TEMPE STANDARD SHARED PARKING MODEL

Chapter 6 (Parking) of Tempe's Zoning Ordinance refers to Tempe's "Standard Shared Parking Model" that can be used as a basis for predicting the Parking Demand for a particular mix of uses on a site. The model assumes that every separate use will actually need the full amount of parking that is called for by the ratios in the Ordinance at some point (called the "peak" period for that use) during the day. For example, in the real world, some uses (like nightclubs) peak in the evening; others (like offices) peak in the morning or afternoon. Where different uses need parking at different times of the day, there is an opportunity for them to share parking. This means that the total number of stalls needed to serve a "mixed use" site (the Parking Demand) may be significantly less than the number of stalls that would have to be built if each of the uses had to provide parking on its own (the Parking Required by Ordinance).

The Standard Shared Parking Model is a tool for estimating the Parking Demand for a specific mix of uses. It is called "standard" because each of the demand curves represents the parking needed for an average, typical use, based on studies and observations collected by staff over a number of years. The "curves" are represented below as a table showing the percent of the Ordinance requirement for sixteen groups of uses, by hour of day.

These curves can be adapted to fit the specific needs of a major tenant on the site. The advantage of doing this is that the model will be more accurate in predicting that tenant's share of the parking throughout the day. The disadvantage is that the model will be unique, and may not work as well if that tenant is replaced by an average, typical user in the future. In addition to changing the curves, one might also consider the impact of transit availability (reliable mass transit serving the site), trip reduction programs (vans and carpooling, etc.) and captive market effects (where uses serve patrons who are already on site), as well as any users who might need more parking than Ordinance ratios require. Any modifications to the standard model should be based on a "professional parking analysis and management study", as described in a companion information sheet available from the Planning Department.

Enclosed: Instructions on how to apply model

TEMPE PLANNING AND ZONING COMMISSION/CITY COUNCIL 11.14.90
PUBLIC INFORMATION SHEET: PARKING ANALYSIS AND MANAGEMENT STUDY

Section 6 of Tempe's Zoning Ordinance refers to submittal of a professional Parking Analysis and Management Study where an applicant is basing his parking on the predicted demand, rather than on the amount required by Ordinance. To assist in the process, staff has prepared a more detailed description of the elements in such a Study, in a format that could be adapted as needed for each site:

"professional": The study should be stamped by a Professional Engineer who is registered in the State of Arizona and who has extensive experience with traffic and parking issues in private development. The consultant's qualifications should be briefly described in the study.

"analysis":

A review of the existing and proposed parking conditions on the site, including:

(a) a brief history of the phases of site development, with details of City approvals of variances, use permits, etc.

(b) an overview of any parking problems that currently exist on the site, based on personal interviews with tenants, managers and owners, and on direct observations and counts by the consultant.

(c) a comparison of the parking required by Ordinance with the parking provided, both for current and proposed uses on the site.

(d) an estimate of the parking demand for the site, along with the methodology (tables, graphs, assumptions, etc.) supporting that estimate.

(e) a discussion of the probable scenarios and problems that will need to be addressed if the parking is provided in relation to demand, as proposed.

(f) any special conditions to protect the public interest recommended by the consultant if the project is approved as proposed.

"management":

A summary of all implementation strategies needed to deal with the anticipated problems mentioned in (e) above, promoting any or all of the following, for example:

(1) ride sharing (incentives for carpools, vanpooling, set up programs to encourage high occupancy vehicles through specific incentives and policies, etc.).

(2) transit use (utilize flexible subsidies and fringe benefits, locate transit stops strategically, etc.).

(3) alternative styles of transportation (encourage bicycles, motorcycles, walking, consider market rates for employee parking, promote off-peak trips, etc.).

(4) convenient pedestrian circulation on-site (quality design of walkways, consider trams, create parking zones, cluster uses sharing customers, etc.).

(5) efficient use of parking (supply a mix of short-term and long-term parking, cluster uses sharing parking, minimize reserved spaces, consider permits, etc.).

(6) effective management (assign administrative responsibility for program to one person, section or company, achieve consistency in policy and enforcement, undertake periodic monitoring, file update reports with City, review impact of new tenants, etc.).

To use the model, take the following steps:

1. Verify that all uses on site have equal access to all parking spaces on site, that there are cross access easements across all property lines, and that there are no legal impediments to sharing the parking
2. List all uses on the site
3. Parking Required: Calculate the parking required for each use according to the ratios in the Ordinance
4. Adjust for transit, trip reduction, captive market or surplus need effects; if you change the model, state your assumptions clearly
5. Group the uses according to the categories in Table I below
6. Add up the total number of spaces required for each group
7. Multiply that number times the percent shown in Table II below ("80" means 80 % or .8 of the Ordinance requirement) for each hour for each group
8. Add up the total number of spaces needed by hour of day
9. Parking Demand: Find the maximum number of spaces needed by hour of day: this will represent the minimum number of spaces that the particular mix will actually need
10. Parking Provided: Add between 5% (for large sites with stable Demand throughout the year) and 10% (for small sites with a Demand that fluctuates throughout the year) to the Parking Demand to get a realistic estimate of the amount of parking you should provide for this mix of uses.

Admittedly, these steps are laborious without aid of a computer. A program can be written in about one working day, or you may purchase a diskette from the Planning Department if your computer uses HPWORD and LOTUS.

Table I
Categories of use

Bar/Club:	bar, nightclub, lodge
Bowling/Spa:	bowling alley, health club/spa
Church:	church, mortuary
Commute:	day care, self-serve car wash, convenience store/gas sales
Conference:	conference, high/trade schools
Entertainment:	amusement park, arcade, courts (tennis, raquetball, etc), mini-golf, poolhall, team sports (volleyball, softball, etc.)
Golf:	golf course, driving range
Hospital:	hospital, nursing home
Hotel:	hotel, bed and breakfast
Industrial:	manufacturing, warehousing
Office:	general office, medical office, jr/elem schools
Residence:	boarding house, fraternity/sorority, mobile home/trailer, multi-family, single-family
Restaurant:	indoor and outdoor dining
Retail:	auto sales, bank, automatic car wash, furniture sales, museum, indoor and outdoor retail
Stadium:	stadium
Theater:	theater

Table II A
Percent of Ordinance by use and hour

The following table shows the percent of the total parking required by Ordinance for each group of uses, by hour of day, for the normal weekday: Monday morning through late Friday afternoon.

USE	7am	8am	9am	10am	11am	noon	1pm	2pm	3pm	4pm
BAR/CLUB	0	0	2	10	25	40	20	10	15	40
BOWL/SPA	10	25	20	15	25	35	30	40	65	85
CHURCH	0	10	75	100	75	10	75	100	75	10
COMMUTE	60	100	100	50	60	80	70	50	60	80
CONF/HS	50	100	100	100	95	70	95	95	85	35
ENTERTAIN	2	2	20	25	35	40	45	50	55	60
GOLF	100	100	95	90	90	85	90	95	95	95
HOSPITAL	60	80	90	100	70	85	75	90	100	85
HOTEL	85	65	45	35	25	30	25	30	25	40
INDUSTRIAL	75	85	100	100	90	80	85	95	95	95
OFFICE/ES	25	80	100	100	100	80	75	95	95	85
RESIDENCE	90	65	35	35	50	60	50	35	40	55
RESTAURANT	10	20	25	30	75	85	75	45	35	40
RETAIL	5	20	30	40	50	75	85	95	100	85
STADIUM	0	0	0	1	1	2	2	5	15	25
THEATER	0	0	0	2	5	10	20	25	35	45

USE	5pm	6pm	7pm	8pm	9pm	10pm	11pm	mdnt	1am
BAR/CLUB	60	80	95	100	100	100	100	90	75
BOWL/SPA	60	95	100	100	100	75	35	20	5
CHURCH	20	30	40	40	20	5	0	0	0
COMMUTE	100	100	60	30	20	10	5	5	2
CONF/HS	50	20	70	80	80	50	30	15	5
ENTERTAIN	70	90	100	100	100	90	70	20	2
GOLF	95	80	60	90	90	60	5	0	0
HOSPITAL	80	80	60	50	30	30	25	25	25
HOTEL	60	65	75	80	95	100	100	100	100
INDUSTRIAL	50	25	10	10	5	5	5	2	2
OFFICE/ES	70	25	15	10	5	5	2	2	0
RESIDENCE	70	75	80	85	90	95	100	100	100
RESTAURANT	60	80	95	100	100	75	60	50	35
RETAIL	80	70	60	50	45	25	10	5	2
STADIUM	30	90	100	100	100	75	25	5	2
THEATER	55	75	95	100	100	90	70	50	20

Table II B
Percent of Ordinance by use and hour

The following table shows the percent of the total parking required by Ordinance for each group of uses, by hour of day, for the normal weekend: Friday evening through Sunday evening.

USE	7am	8am	9am	10am	11am	noon	1pm	2pm	3pm	4pm
BAR/CLUB	0	0	5	20	40	60	40	35	30	45
BOWL/SPA	60	80	100	75	50	60	50	60	50	60
CHURCH	10	30	90	100	100	50	20	10	5	5
COMMUTE	10	15	25	20	30	35	30	20	20	25
CONF/HS	0	5	40	40	20	10	30	30	30	20
ENTERTAIN	10	50	90	100	100	95	90	85	80	75
GOLF	100	100	95	90	90	85	90	95	95	95
HOSPITAL	60	80	90	100	70	85	75	90	100	85
HOTEL	90	70	50	40	35	40	35	35	40	50
INDUSTRIAL	5	25	50	50	45	40	40	35	30	25
OFFICE/ES	2	5	10	15	10	10	15	10	10	5
RESIDENCE	95	80	60	55	60	65	60	50	60	70
RESTAURANT	10	35	45	75	95	100	95	45	25	30
RETAIL	5	20	40	65	70	60	75	65	55	45
STADIUM	0	5	10	15	20	75	100	100	100	50
THEATER	0	0	0	2	5	25	75	75	70	70

USE	5pm	6pm	7pm	8pm	9pm	10pm	11pm	mdnt	1am
BAR/CLUB	70	70	90	100	100	100	100	100	100
BOWL/SPA	70	95	100	100	100	80	50	20	5
CHURCH	5	30	40	40	20	10	2	0	0
COMMUTE	35	40	30	25	15	10	10	20	10
CONF/HS	10	5	5	5	2	0	0	0	0
ENTERTAIN	70	90	100	100	100	100	75	35	15
GOLF	95	80	60	25	10	2	0	0	0
HOSPITAL	80	80	60	50	30	30	25	25	25
HOTEL	65	70	80	90	100	100	100	100	100
INDUSTRIAL	20	10	5	2	0	0	0	0	0
OFFICE/ES	2	2	0	0	0	0	0	0	0
RESIDENCE	90	70	40	40	45	75	90	100	100
RESTAURANT	50	75	100	100	100	95	75	55	35
RETAIL	30	20	25	30	20	5	2	0	0
STADIUM	40	85	95	100	100	95	40	5	2
THEATER	60	50	80	100	100	95	80	100	100

TEMPE PLANNING AND ZONING COMMISSION/CITY COUNCIL 11.14.90
PUBLIC INFORMATION SHEET: PARKING ANALYSIS AND MANAGEMENT STUDY

Section 6 of Tempe's Zoning Ordinance refers to submittal of a professional Parking Analysis and Management Study where an applicant is basing his parking on the predicted demand, rather than on the amount required by Ordinance. To assist in the process, staff has prepared a more detailed description of the elements in such a Study, in a format that could be adapted as needed for each site:

"professional":

The study should be stamped by a Professional Engineer who is registered in the State of Arizona and who has extensive experience with traffic and parking issues in private development. The consultant's qualifications should be briefly described in the study.

"analysis":

A review of the existing and proposed parking conditions on the site, including:

- (a) a brief history of the phases of site development, with details of City approvals of variances, use permits, etc.
- (b) an overview of any parking problems that currently exist on the site, based on personal interviews with tenants, managers and owners, and on direct observations and counts by the consultant.
- (c) a comparison of the parking required by Ordinance with the parking provided, both for current and proposed uses on the site.
- (d) an estimate of the parking demand for the site, along with the methodology (tables, graphs, assumptions, etc.) supporting that estimate.
- (e) a discussion of the probable scenarios and problems that will need to be addressed if the parking is provided in relation to demand, as proposed.
- (f) any special conditions to protect the public interest recommended by the consultant if the project is approved as proposed.

"management":

A summary of all implementation strategies needed to deal with the anticipated problems mentioned in (e) above, promoting any or all of the following, for example:

(1) ride sharing (incentives for carpools, vanpooling, set up programs to encourage high occupancy vehicles through specific incentives and policies, etc.).

(2) transit use (utilize flexible subsidies and fringe benefits, locate transit stops strategically, etc.).

(3) alternative styles of transportation (encourage bicycles, motorcycles, walking, consider market rates for employee parking, promote off-peak trips, etc.).

(4) convenient pedestrian circulation on-site (quality design of walkways, consider trams, create parking zones, cluster uses sharing customers, etc.).

(5) efficient use of parking (supply a mix of short-term and long-term parking, cluster uses sharing parking, minimize reserved spaces, consider permits, etc.).

(6) effective management (assign administrative responsibility for program to one person, section or company, achieve consistency in policy and enforcement, undertake periodic monitoring, file update reports with City, review impact of new tenants, etc.).

Chapter 35 – Zoning Fees

FEE SCHEDULE

a.	Pre-application plan review ("Friday Mark-ups")	\$50.00
b.	WRITTEN ADMINISTRATIVE DECISIONS, WRITTEN ORDINANCE INTERPRETATIONS AND APPEALS OF ZONING ADMINISTRATOR OPINIONS	
	Single Family Dwelling Units	\$100.00 per lot
	All Other Uses	\$300.00 each
c.	Variances	
	Single Family Dwelling Units	\$100.00 per lot
	One (1) Duplex on a Single Lot	\$200.00 per lot
	One (1) Triplex on a Single Lot	\$200.00 per lot
	One (1) Fourplex on a Single Lot	\$200.00 per lot
	All Other Uses	\$300.00
	Unauthorized Construction / Installation	Twice the normal fees (May be waived by Development Services Mgr.)
d.	Use Permits	
	Single Family Dwelling Units	\$100.00 each
	All Other Uses	\$300.00 each
	Unauthorized Activity	Twice the normal fees (May be waived by Development Services Mgr.)
e.	Amendments To Zoning Map (Rezoning)	\$1000.00 per classification + \$100.00 per net acre
f.	Preliminary Planned Area Development And General Plans Of Development	\$1000.00 + variances and use permit fees as applicable.
	Amendments	\$500 + variances and use permit fees as applicable
g.	Preliminary Subdivisions & Amendments	\$500.00 + \$20.00 per net acre
h.	Final Planned Area Development And Final Plans Of Development	\$1000.00 + variances and use permit fees as applicable.
	Amendments	\$500 + variances and use permit fees as applicable
i.	Final Subdivisions and Amendments	\$500.00 + \$20.00 per net acre
j.	Site Plan	\$250.00 + \$50.00 per net acre + variances and use permit fees as applicable

k.	Continuance at Applicant's Request After Legal Advertising	\$100.00
l.	Design Review Complete – Buildings, Site, Landscape, Signs Remodel/modification Separate Landscape Plan Sign Package Separate Signs Reconsiderations Continuance at Applicant's request	 \$200.00 for 5 acres or less \$400.00 over 5 acres \$200.00 \$100.00 \$100.00 \$ 50.00 Same as original fee Same as original fee
m.	Sign Permits One Sign Each Additional Sign Unauthorized Installation of Sign(s) Each Additional Re-inspection Grand Openings, Banners, Pennants or Displays Temporary Sports Paraphernalia Permit (Not to exceed 30 days)	 Fees include Plan Review, the Initial Inspection and One Re-inspection. \$140.00 \$ 60.00 Twice the normal fees may be charged \$ 50.00 \$ 25.00 each event \$600.00 each (<i>This fee is collected by Financial Svcs., Tax & License Division</i>)
n.	General Plan 2020 Amendments <u>Regular Amendment</u> Text Change Map Change <u>Special Amendment</u> Text Change Map Changes Regular or Special Amendment in the Neighborhood Revitalization Area consisting of 5 acres or less Appeal of Development Services Director's Decision	 \$200.00 \$200.00 + \$20.00 per gross acre up to a total of \$500.00 \$500.00 \$2000.00 + \$100.00 per gross acre up to a total of \$5,000.00 \$200.00 + \$20.00/acre \$100.00
o.	Public Hearing Notice Signs	\$25.00 per sign for 2 acres or more (single family residential exempt)

NOTE:

All zoning and development fees within the Apache Boulevard Redevelopment Area may be reduced up to 50% for the following listed uses or other uses with a recommendation of the Apache Boulevard Project Area Committee by the City Council under conditions contained within a development agreement:

- Grocery Store
- Pharmacy
- Hardware Store
- Child Care Center
- Family Doctors / Medical Specialist Offices
- General Household Goods and Services Businesses (dry cleaner, shoe repair, etc.)
- Artisans Studios or Schools
- Arts Center or Art Gallery
- For-Sale Housing not to exceed 24 dwelling units per acre maximum and initially restricted to sales to individual owner / occupant buyers. For-Sale housing would also require a subdivision plat (or condo), and each unit must be individually metered for water, electric, gas, and any other applicable utilities.

ZONING ADMINISTRATOR OPINIONS

[Reserved]

REFERENCES

City Code, City of Tempe

City of Tempe Public Works Department Standard Details

Comprehensive Transportation Plan

General Plan

Uniform Building Code